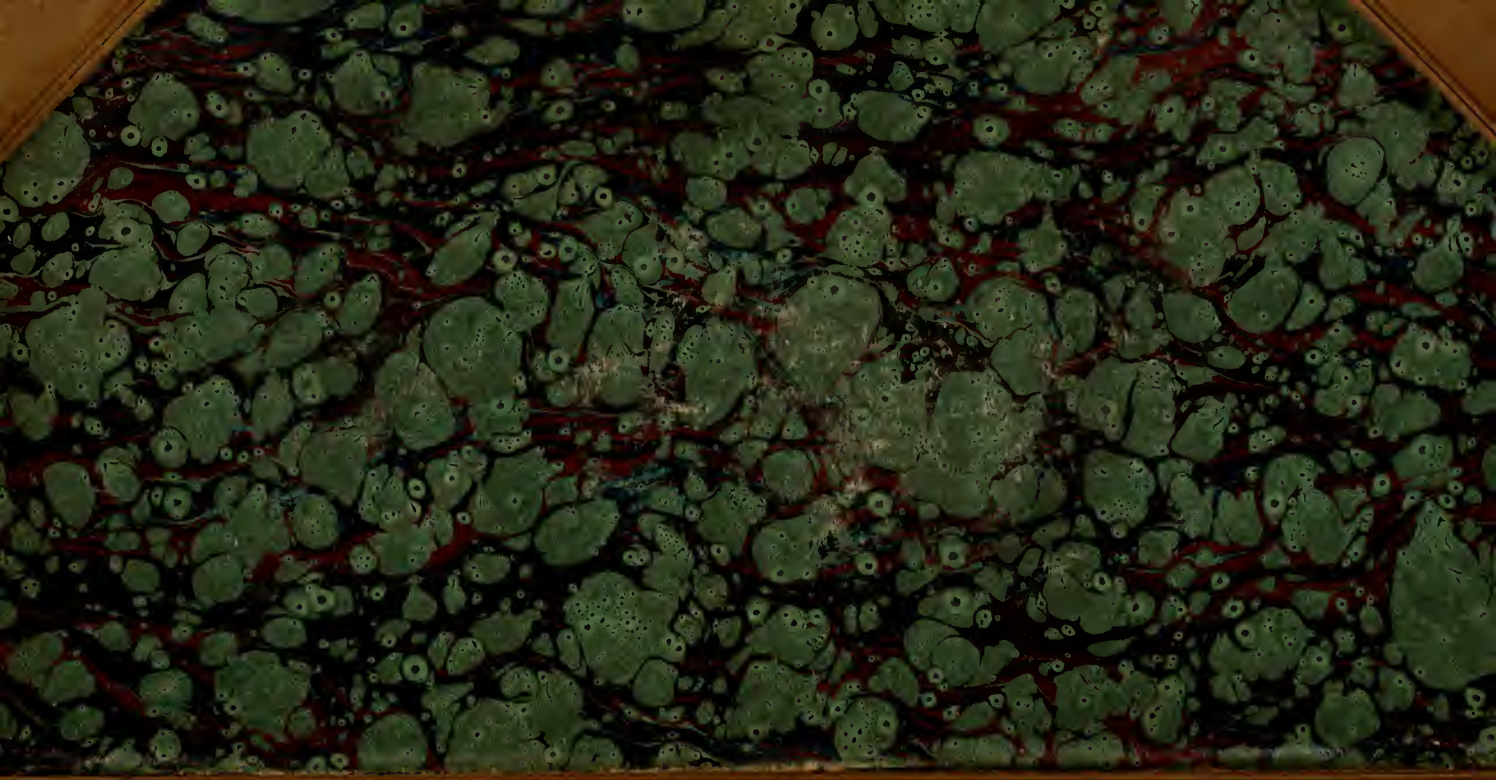

LIBRARY
OF THE
UNIVERSITY
OF ILLINOIS

UNLAW

IN

JUDGEMENTS OF THE JUDICIAL COMMITTEE

AND ITS REMEDIES.

UNLAW

IN

JUDGEMENTS OF THE JUDICIAL COMMITTEE

AND ITS REMEDIES

A LETTER

TO THE

REV. H. P. LIDDON, D.D.

CANON OF S. PAUL'S,

BY THE

REV. E. B. PUSEY, D.D.

REGIUS PROFESSOR OF HEBREW, CANON OF CHRIST CHURCH.

SOLD BY

PARKER & CO.,

OXFORD, AND 6, SOUTHAMPTON STREET STRAND, LONDON;

AND RIVINGTONS,

LONDON, OXFORD, AND CAMBRIDGE.

1881.

PRINTED BY THE DEVONPORT SOCIETY OF THE HOLY TRINITY,
HOLY ROOD, OXFORD.

CONTENTS.

Page

The present Court of Appeal not suggested by the High Church. 1

Pure Civil Court, as least of two evils, suggested by Dr. Liddon. ib.

And by Archdeacon Churton. 2

Provincial Synod suggested by Dr. Pusey. ib.

Then to be placed on a level with all other religious bodies. ib.

Relation of the High Church to the Court of Appeal since 1850 a continual protest. 3, 4

Denial of Faith in Gorham Judgement intensified opposition, did not occasion it. 4, 5

Mr. Gladstone. 6, 7

Bp. Blomfield's attempts to reform the Court of Appeal before the Gorham Case. 8, 9

The Bishops' plan in 1850 agreed to by almost all the Bishops. 9

Grounds of its temporary rejection. ib.

Lord Brougham's statement that the present Court of Appeal was not meant for matters of doctrine. 10, 11

Three Cases only of doctrine brought before the Court of delegates. 12, 13

John Keble's judgement against it. 14, add 16

Abuse of maxim to give judgement in favour of the accused in a criminal case. 14, 15

Judgement of Justice Coleridge, that justice was not done to Mr. Purchas in two main points, Eastward position and Vestments. 16, 17

Nor was it in a third, the mixed Chalice. 18

Ambiguous major premiss of judges. 19

Inaccurate minor premiss. 20

Page
Slovenliness of Judgement. 21
Judgement of Sir R. Phillimore that many of the original Charges against Mr. Purchas were trivial: 22
and that 'Ornaments Rubric' plain to plain people. 23
Prosecution of Mr. Purchas gratuitous. His death probably hastened by it. 23, 24
Privy Council rules by mere majority. 25
Its decisions affected by considerations of supposed policy. 26
Ridsdale Judgement: unnatural construction of 'Ornaments rubric.' 26
Rubric framed by thoughtful persons. The 'Caroline Divines.' ib.
Delay in acting upon it caused by the troubles of the Church. 27
Value of teaching through the eye recognised: instances accumulated by Bp. Forbes in his 'Defence.' 28, 29
Judges out of their province. 30
Privy Council Judgements against faith, involving that Jesus understood not His own teaching. 30, 31
Our avowal that we should disobey the Purchas Judgement. 32, 33
Mr. Garratt in a letter to Record points out that Mr. Dale was in prison for following the Prayer Book as explained in a book, put into his hands by his Bishop. 33, 34, 35
Chronic panics in England, 1. Eccl. Titles bill. 36
2. Public-Worship-Regulation-Act. 37
Archbishop Tait's statement of its objects. 38
His account of its working. ib.
No 'extreme ritual' has been brought before any Court, nor 'raw Theologians;' but veterans, and ritual sanctioned by the Ornaments Rubric. 39
Some results of the prosecutions. 39, 40 add 42
Is such persecution zeal for souls? 41
Failure for its own end. ib.
My own offers to raise no technical objection to a prosecution. 41, 42
'Semi-Romish innovations.' 43
Were Edward VIth's first Book and the Bishops who framed the present Ornaments Rubric semi-Romish? 44
Secret spring of prosecutions is the Faith on the Eucharistic Sacrifice which the prosecutors misunderstand. 45, 46
Instances of like misconception before. 46

The Rare Book & Manuscript Library UIUC

Page

Grounds why prosecutors might think it better not to be so positive—The Homilies refer us to the Primitive Church, the six General Councils and the Fathers. 47, 48

'Sacerdotalism:' term 'Sacerdos' used in Latin heading of Article xxxii. 47

Lutheran Molanus owned it to be a question of words. ib.

Calvinist Ferry accepted Bossuet's explanation. 48

English Divines taught Eucharistic Sacrifice. ib.

Bishop Wilson's teaching. 48, 49

No doctrine of sacrifice rejected, which does not interfere with the completeness of our Lord's. 49, 50

In the revival of 1833 the Eucharistic Sacrifice first taught at length by Bishop Phillpotts. 50, 51

Sayings of the Fathers condensed in University Sermon 'This is My Body.' 51, 52

Council of Nice.—'Priests offer the Body of Christ.' 53, 54

Epistle of S. Cyril of Alexandria, received by four General Councils. 54

Mr. Bennett's doctrine, though undefended, accepted in Court of Arches: 55

acquitted ungraciously by Judicial Committee, because misunderstood. ib.

Possible reaction, when people see that they have been condemning the Council of Nice. 56

The Archbishop speaks kindly, but did not understand Tractarians formerly, nor Ritualists now. 57

He preaches peace; the Church Association, in recent manifesto, war. 58

Parrot repetition of untrue imputations. 59

Church Association, author of the present war. ib.

Church Ass. attacks: High Church endure only. 60

Innovation of many Evangelical Clergy in administering the Holy Communion; but not our office to interfere with them. ib.

His Grace's question, 'What would we have?' ib.

1) Modification of the Court of Appeal, to make it a Church Court: ib.

Previous plans, from which Convocation may select. 61

Benefit of the responsibility of being Judges, to the Bishops. 62

2) Tolerance of Ritualists, such as is given to all besides. 63

Page

The Archbishop condemns alteration *against* the *admonition* of the Bishops. Have any such been made? 64

In 1833—44 the Bishops left us to ourselves; merely looked on and criticised details. We obeyed the Prayerbook. ib.

All rubrics obsolete in those days. 65

Bishop Blomfield's words emphatic as to the duty of the Clergy to obey the rubrics. 65, 66

The question now relates not to *making* changes but to *un*making them against the wishes of the Congregation. Ritualist Clergy dare not give a shock to the faith of their people. 67

Sympathy of Bp. Phillpotts with the poor in prospect of their deprivation of the ritual which they loved, at the dictation of strangers. ib.

Let the Bishops protect alike people and priest; 68

And let Evangelicals love Tractarians who ever loved them. 68, 69

Labours for souls by the Ritualists. 69

Tender, but warning words of parting by J. H. Newman in 1842. 70

Our only hope, under God, is in peace. What times are coming? The good seed yielding fruit; the enemy sowing tares, more than heretofore. 71

Let us leave to God the guidance of His own ark. 72

UNLAW

IN

JUDGEMENTS OF THE JUDICIAL COMMITTEE

AND ITS REMEDIES.

A LETTER

TO THE

REV. H. P. LIDDON, D.D.

CANON OF S. PAUL'S,

BY THE

REV. E. B. PUSEY, D.D.

REGIUS PROFESSOR OF HEBREW, AND CANON OF CHRIST CHURCH.

SOLD BY

PARKER & CO.,

OXFORD, AND 6, SOUTHAMPTON STREET, STRAND, LONDON;

AND RIVINGTONS,

LONDON, OXFORD, AND CAMBRIDGE.

1881.

Price One Shilling.

UNLAW[a] &c.

MY DEAREST LIDDON,

The Archbishop of Canterbury is reported to have said;

'The present form of our highest Court of Appeal was adopted only within the last ten years, in deference to what were then supposed to be the wishes of the leaders of what is called the High Church party.'

Who those 'leaders' were, or how their 'wishes were supposed' to have been ascertained, I know not; nor does it matter. I do not see anything which we have written suggesting any such changes. You yourself only said that, since '[b] every one seems to agree that in the present temper of public opinion a Church Court is out of the question, we should escape from much spiritual distress, could the present Court be stripped of its useless ecclesiastical fringe, and be made in appearance what it is in reality—a Civil Court.' So calm a mind as that

[a] A thorough, though, here and there, somewhat sharp exposure of the inconsistency of Privy Council judgements, with their type the Gorham judgement and each other, was published in 1871, under the title, A Handy-book of Privy Council Law, by a Judicial Committee, dedicated to the R[t]. Hon[ble]. Baron Hatherley. It was No. 3 of a series of 'Privy Council Tracts.'

[b] Purchas Judgement, p. 38. ed. 2.

of the late Archdeacon Churton also suggested that the Privy Council should be made simply a Civil Court[c]. For myself, I had at first suggested the adoption of the old Court of Appeal, which if Cranmer had not been burned, might have been our Court of Appeal now,—a Provincial Synod[d]. When nearly all the Bishops, as one, had failed to obtain the assent of Lord Lansdowne's Government to a clause far short of this, I suggested in my letter to yourself, that we might ask for the abolition of all Ecclesiastical Appeals to the Judicial Committee; 'placing ourselves,' so far, 'on a level with every other religious body[e].' 'A judgement in the Court of Queen's Bench could not,' I said, 'in any way commit the Church[f].' But whoever these 'leaders' may have been, any how the Archbishop speaks only of one subordinate incident in the later period of the struggle which began thirty years ago. 'The High-Church party' never ceased to account the Court, by which the Church and the truth of God had so suffered, an unconstitutional Court. None of us thought, for a moment, of recognising its decisions against the Faith, which it had no authority to give. The only question with any of us could have been, how it might for the future be least injurious to the Church. The only hope, which any of us could have had, would have amounted to this; that the unconstitutional Court of Appeal, of which the Bishops collectively had failed to obtain a modification, would

[c] Mentioned in my own letter to Dr. Liddon. Ib. p. 63.

[d] The Royal Supremacy lx. pp. 57 sqq. Cranmer's provision for its revival occurs in the Reformatio legum ecclesiasticarum, De appellationibus c. 11. [e] ib. p. 65. [f] p. 64.

be less mischievous, if it should consist simply of laymen, than if it remained decorated by the presence of the two Archbishops and the Bishop of London, powerless[g] to avert a decision which should deny the Faith, but giving to such judgement an appearance of being that of an Ecclesiastical Court.

Our whole relation to the Supreme Court had been and was one of continual protest. The Gorham Judgement broke the body which used to be called Tractarian. It drove off into the Church of Rome Cardinal Manning, Mr. Dodsworth, Mr. Allies, Archdeacon Wilberforce, the acute Mr. Maskell, the eminent lawyer James Hope, and many other most eminent lay people of rank and piety. If I could have recognized its authority in England, since, according to my convictions, I could not have left the English Communion and joined the Church of Rome, I must have passed the last 30 years of my life out of its reach, in Scotland or the United States. What drove out of the Church of England those who left her, was the conviction that, unless she at once threw off the no-doctrine imputed to her by the Judicial Committee, she would thenceforth have two authorised antagonistic teachings on an Article of the Creed, i. e. none at all. What retained our revered friend John Keble, Dr. Mill, and the rest of us, was the conviction that the Church of England contradicted continually and thus practically set aside for her members that wrong teaching of the Privy Council, in every Baptism of every child, "We yield Thee

[g] The Privy Council at the close of the Judgement on the Essays and Reviews case simply *recorded* the non-concurrence of the two Archbishops as to part of the Judgement.

hearty thanks, most merciful Father, that it hath pleased Thee to regenerate this Infant with Thy Holy Spirit."

There is no more emphatic way in which the Church can teach truth than by putting it into our own mouths in prayer to Almighty God. It is mightier than any Canons or Articles. It becomes the voice of the soul to God. '[h] The law of prayer,' it was said of old, 'forms the law of faith.'

The Gorham decision impaired the discipline of the Church, such as Bishop Phillpotts wished to enforce it. It did not impair her teaching. This remained as distinct as before. The truth still won those who did not rebel against her plain teaching. Only that Judgement kept away from us those whom we had been hitherto winning peaceably to the truth. It gave a standing-ground to those, who, as some who had misgivings before like them, expressed themselves to F. W. Faber, 'could but think that we had been a little dishonest with our Prayer-Book.'

Mr. Gorham was a very acute Zwinglian. The Bishop had refused him institution to a Cure of souls, for which he had been nominated. Mr. Gorham had recourse to law, to obtain it. The Judge of the Arches Court upheld the Bishop's decision. Mr. Gorham appealed again to the Privy Council. The Judges knew nothing of Theology, and for fear of driving out of the Church a body, hardly any of whom agreed with Mr. Gorham, persuaded themselves, that the most naked Zwinglianism was compatible with a Baptismal Service, which thanks

[h] 'Ut legem credendi lex statuat supplicandi,' S. Celestine. A.D. 423. Epist. ad Episc. Gall., Auct. 8. Conc. iii. 476 Col.

God for regenerating each baptized child, one by one. Almost all the Bishops re-affirmed the doctrine which the Judges had denied. I do not remember the terms in which that contradiction was expressed, further than that it re-affirmed that in Baptism we were each one 'made a member of Christ, a child of God, and an inheritor of the kingdom of heaven.' The statement was unhappily not published, in order not to publish the disagreement of some two or three, who, on whatever ground, did not sign the document. It cannot have been, that they disbelieved their Catechism. The energy, with which that first wrong Judgement was contradicted, will be remembered by those who yet survive.

The denial of an article of faith by the new Court of Appeal could not but intensify our dissatisfaction with the Court which had denied it. But our objection to that Court was definite and complete, before there was any ground to anticipate its decisions as to the particular case of Mr. Gorham. The appeal to it, in itself, shewed to us that its existence, as it was, was an encroachment upon the office of the Church, laid down so clearly in the preamble of the celebrated Act for 'the restraint of appeals,' which is part of our statute law at this day. The object of that preamble was to vindicate the 'sufficiency of the spirituality of the Church in this realm of England to interpret any cause of the law Divine which might happen to come in question, without the intermeddling of any exterior person or persons.' It was directed against appeals to Rome, but it applies equally to any other interference with the office of the spiritualty.

Familiar as it is to *us*, I may as well set down

once more the statement of principles, to which the Archbishop appeals as 'the principles of the Reformation settlement.'

'[i] This realm of England is an empire, and so hath been accepted in the world, governed by one Supreme head and king, having the dignity and royal estate of the imperial crown of the same; unto whom a body politick, compact of all sorts and degrees of people, divided in terms, and by names of spirituality and temporality, been bounden and owen to bear, next to God, a natural and humble obedience:—the body spiritual whereof having power, when any cause of the law divine happened to come in question, or of spiritual learning, then it was declared, interpreted, and shewed by that part of the said body politick, called the spirituality, now being usually called the English Church, which always hath been reputed, and also found of that sort, that both for knowledge, integrity, and sufficiency of number it hath always been thought, and is also at this hour, sufficient and meet of itself, without the intermeddling of any exterior person or persons, to declare and determine all such doubts, and to administer all such offices and duties, as to their rooms spiritual doth appertain.'

Mr. Gladstone, writing in 1850, with all the responsibility of a member of the Privy Council, is a contemporary witness of the unanimous reclamation against that Court previous to the Gorham judgement.

'[k] No one pretends, that the constitution of the Committee of the Privy Council is adapted to the due and solemn decision of cases of doctrine. Before the decision in the

[i] 24 Henr. 8. c. 12. printed in Stephens Eccl. Statutes Vol. i. pp. 142, 143.

[k] Gladstone, 'Remarks on the Royal Supremacy, as it is defined by reason, history, and the constitution.' 1850, pp. 4, 5.

Gorham case was delivered, and when no man had an interest in upholding unduly the credit of the Court, there was but one voice of reclamation throughout the country against the gross indecency of such a mode of provision for such causes. And even now, when the case is much altered in that respect, there is still a nearly universal acknowledgement, that the law requires material alteration. It is enough for me to stand upon this acknowledgement and upon the further fact, that so many persons of the greatest weight, from the episcopal bench downwards, will find themselves precluded in conscience from acquiescence at any time, or under any circumstances, in the law as it now is, because they are convinced that it is a state of law which has already led to the violation, and would ultimately lead to the destruction of the faith and work of the Church.'

Bishop Blomfield is not only a contemporary authority, but was one who had taken an active part in preparing a reformation of the Court of Appeal for some years before the Gorham judgement. He himself reminded the House of Lords of this, in order to remove any prejudice against the Bill which he brought before them, that it was formed with any view to that case.

'The necessity of *some* change in this department of our ecclesiastical jurisprudence was felt long before the recent appeal, at a time when the probability of such an appeal was not in contemplation. It is only surprising that it was not clearly perceived at the time when the Judicial Committee was substituted for the old Court of Delegates. But no such necessity was then alluded to. The reason of which, I suppose, was this: that appeals to that court, in suits involving questions of doctrine, had been so exceedingly rare—not more than three or four from the first institution of that court—that the contingency of such

an appeal came into no one's mind: and as to all other kinds of appeal in ecclesiastical suits, the Judicial Committee appears to be an unobjectionable tribunal, with one exception only, viz. that its members are not necessarily, as they ought to be, members of the Church of England.

In the Bill which I had the honour of presenting to your Lordships in 1847, an important change was proposed in the court of ultimate appeal in cases of false doctrine; or rather, the substitution of an entirely new court for the Judicial Committee of the Privy Council: and that proposition was assented to by the Select Committee, to whom your Lordships refused [referred] the Bill. That Committee included all the Peers who had filled high legal offices except [the then Chief Justice of the Queen's Bench.] The clause relating to a new Court of Appeal was carefully considered, and finally assented to by the whole of the Select Committee. The only objection hinted at, was a doubt, whether it would be such a Court as could work, for want of the necessary machinery. It having been found impossible to carry the Bill through Parliament that session, it was not pressed to a second reading: but the same Bill, as amended by the Select Committee, was reintroduced in the Sessions of 1848, 1849; and in both years, owing to various causes of delay, was suffered to remain in suspense. A Bill with the same object was read a first time early in the present session, containing a clause which provided for the erection of a somewhat different Court of Appeal. That clause had been formed, in compliance with the suggestion of some eminent persons, whose opinions were entitled to my respect. But finding that many persons did not consider it to be so satisfactory as could be wished, I thought it my duty to refer the subject to my Right Reverend Brethren, whom the Most Reverend Primate at my request called together for the purpose of considering it.

The result of our deliberation was, that it would be better to look at the question of a Court of Appeal by

itself, and to make it the subject of a distinct and substantive Bill, seeing that the principle it involves is regarded by the Clergy in general as of so great importance as to throw into the shade all other measures for the regulation of the Church discipline. The question was carefully and calmly considered by us at several meetings, attended by twenty five out of the twenty seven Bishops of England and Wales; and the result was, an almost unanimous agreement, as to the propriety of introducing into your Lordships' House the Bill now laid before you.'

The Bishops' Bill was thrown out by Lord Lansdowne and his Government; chiefly, on the ground that it would be a slur on the Judgement of the Privy Council in the Gorham case[l]. But Lord Lansdowne only declared that it was 'inexpedient' to introduce any change 'at the present moment[m].' Lord Brougham, who also opposed the Bill, said that '[n]in some cases he required the aid of a spiritual body in forming his judgement, that in the case of *Eslin* v. *Mascot* he had felt it severely.'

The Bill, which the Bishops had almost unanimously recommended, had left the Privy Council unaltered. Its only provision was precisely that of the preamble to the statute of 'The Restraint of Appeals,' that 'spiritual questions should be referred to the spiritualty.' The answer of the Bishops was to be '[o] binding and conclusive for the purpose of the Appeal, in which such reference should be made.' This was objected to, as '[p]striking a blow at her Majesty's prerogative, the government of the Church.'

[l] Lord Lansdowne, Hansard S. 3. Vol. cxi. 620 and others in the same debate. [m] Ib. 629. [n] Ib. 633.

[o] as quoted by Lord Campbell ib. 644 and read, ib. p. 673.

[p] Marquess of Lansdowne Ib. p. 622.

The objection was the result of the change from the Court of Delegates to the Privy Council. For the sentence of the Court of Delegates was *definitive*[q], limited only by the power of issuing a commission of review, whose sentence would have been equally definitive. There was no appeal from it. 'The Supremacy of the Crown,' it was answered[r], 'was exercised through the Courts of the Crown, and the Crown was bound by the decision of the Courts of Appeal, regularly and legitimately constituted.'

However, the Bill of the Bishops was rejected[s], and the majority of the House of Lords fastened upon the English Church, for the time, a Court of Appeal utterly unconstitutional.

With regard to the Privy Council, Lord Brougham himself, the Author of the transfer, stated in the House of Lords, that,

'He could not help feeling that the Judicial Committee of the Privy Council had been framed without the expectation of questions like that which had produced the present measure being brought before it. It was created for the consideration of a totally different class of cases, and he had no doubt that if it had been constituted with a view to such cases as the present [the Gorham case], some other arrangement would have been made.'

In this (which was confirmed by Bishop Blomfield[t]) Lord Brougham was doubtless right. Indeed, he subsequently '[u] declared from his own recollection

[q] 25 Hen. viii. c. 19 § 4 and Stephens notes Eccl. Stat. p. 152.

[r] Lord Stanley, Hansard l. c. p. 650.

[s] Only three English Bishops (Durham, Worcester, Norwich,) and one Irish (Down) voted against it. Hansard p. 674. The list of those who voted for the Bill is not given.

[t] see above p. 9.

[u] Gladstone Remarks, p. 71.

that the conjecture already made was correct; and that cases of heresy were not taken into view at all on the passing of the Act of 1833.' The statute of 'The submission of the Clergy and restraint of appeal,' mentions specifically no other causes than those specified in the Act of the year before, ('For the restraint of appeal,') matrimony, tithes, oblations and obventions. The words indeed are large enough; 'all manner of appeals, of what nature or condition soever they may be of, or what cause or matter soever they may concern.' But no others are named in the Act. There is no evidence that it was ever intended that matters of doctrine should come before the Court of Delegates.

The causes which are specified in the Act which constituted it, with the exception of matrimony, (in which the Divorce Court has been practically saying, 'Thou mayest commit adultery,') are not matters to occupy a Bishop's time. The appeals specified in the Acts are from the Courts of Admiralty, and *nominatim* in prize suits, various Courts of judicature in the East Indies and in the plantations, colonies and other dominions of the State abroad, *nominatim* 'in the Courts of Sudder Dewanni Adawlut at the several presidencies of Calcutta, Madras and Bombay in the East Indies.'

Matters of doctrine came before the Star chamber and High Commission, which have left so infamous a memory. A very careful and accurate writer says:

'[x] Not one case involving doctrine, so far as we know, and great pains have been taken to procure knowledge,

[x] Joyce, The civil Power in its relation to the Church. p. 65. His work is, throughout, a solid answer to the then Bishop of Lon-

was ever tried in the Court of Delegates till 1690, i. e. for 156 years after the establishment of the Court. And as regards the 142 years which elapsed between 1690 and its annihilation in 1832, only four [three] such cases at most are found on record.'

The House of Commons, May 10th 1850, (at the motion of Sir R. Inglis,) ordered a

'Return of the Cases depending before the High Court of Delegates, at any time to which the Records of the Court may extend, wherein the subject-matter has been a Charge of Heresy or unsound Doctrine, brought against a Clerk in Holy Orders of the Church of England, specifying the Date and the Nature of the Accusation in each Case.'

The Registrar reported,

'[y] The mass of Processes transmitted from Courts below is large, but after diligent search only three Cases coming within the Order, which are set forth in the Return, have been found.'

The three cases are, one Salter against Davis A.D. 1690, Whiston A.D. 1712, Havard against Evanson 1775. The exception proves the rule. The three cases were disposed of, so as to make one think that they ought never to have come before it.

Mr. Gladstone states,

'[z] The first cause, that of Salter against Davis in 1690 was disposed of in another form by the Court of Queen's Bench. The second, that of Whiston, went to Convocation. In the third, that of Havard against Evanson in

don's, [the present Primate] 'Historical introduction to the Judgements of the Privy Council in Ecclesiastical Cases relating to doctrine and discipline,' by Brodrick and Fremantle.

[y] Parl. Paper. No. 323. Sess. 1850.

[z] Remarks on the Royal Supremacy. p. 70.

1775, the appellant desisted [a]. Under these circumstances it might readily be assumed that that branch of the appellate jurisdiction was virtually extinct, and the recollection of it might easily be lost among the multitude of mixed questions, and questions only in name ecclesiastical, for which an improved provision had to be made; and also among the still greater mass of questions purely civil, that came before the Privy Council in appeal. The trial of doctrine by this Court had become a thing unheard of in the Church of England.'

The Court was doubtless admirably suited to the subjects, which Lord Brougham had in his mind. But the very enumeration of the high law-officers, of which it was composed [b], while there is no mention of any ecclesiastic, makes the idea that it was to judge in matters of faith simply ludicrous. It would puzzle any one to make out the special qualification of the judge of the High Court of Admiralty or the chief judge of the Bankruptcy Court (not to mention others) for such an office. What would have been thought of Bishops assisting to judge in any Admiralty cause or bankrupt case? And yet the bankrupt cases have mostly a moral and religious aspect also. Such a Court of Appeal in religious matters had not existed any where, since

[a] Evanson *did* deny the Divinity of our Lord, but the misbelief was *implied* only in the Sermon alleged in proof.

[b] The Lord Chancellor, the Lord keeper or first Lord commissioner of the great seal of Great Britain, Lord chief Justice or Judge of the court of King's Bench, Master of the rolls, Vice-chancellor of England, Lord chief Justice or Judge of the court of Common Pleas, Lord chief baron or baron of the court of Exchequer, Judge of the Prerogative court of the Lord Archbishop of Canterbury, Judge of the high court of Admiralty, and chief Judge of the court in Bankruptcy. 3 and 4 Gul. 14. c. 41. Sect. 1.

our Lord founded His Church on earth. Its Judges had just shewn themselves as ignorant of the doctrine of Baptism, upon which they had been called upon to pronounce, as if they had never been baptised themselves, or had never learned their Catechism. But policy has no rules, except to gain its end.

We received as a legacy, from our revered friend and father John Keble, the words, which you have embalmed for the future; 'that we shall never have God's blessing on our work in the Church of England while we continue quietly to acquiesce in the present constitution of the Court of Final Appeal [c].' But things were for the present hopeless. The Court long remained popular with a section of the Church, because its reversal of the clear judgement of the Ecclesiastical Court made it their 'Palladium.' So we had but to maintain a continual protest against the Court fastened upon us, and its decisions. We could not but see that such a Court might just as readily decide against the inspiration of Holy Scripture, or Hell, as it had against the Sacrament of Baptism. Some of us said so. The common maxim in trying criminal prisoners, 'give any doubt in favour of a prisoner,' had an odd misapplication here. In criminal causes the law is, for the most part, clear enough to the judges; the doubt, if any, relates to something in the prisoner's case. In the matters of faith brought before the Judicial Committee, what was alleged against the accused was clear; the problem was to find any loophole in the law, whereby

[c] Preserved in Dr. Liddon's, 'The Purchas Judgement.' p. 4.

he should not be found guilty of what was alleged against him.

'[d]If this were not a criminal case, I should say so and so,' Dr. Lushington said repeatedly. Together with this, there was at times a personal bias against the doctrine denied by the accused. 'Nothing shall induce me to say that eternal punishment is the doctrine of the Church of England,' said a very distinguished judge beforehand; and so, as has been concisely said, 'Hell was dismissed with costs.'

The one accused Clergyman, who by accident was condemned, was condemned, I believe, because he had left himself no loophole, whereby he could be acquitted: his condemnation was owing to himself. You yourself, I remember, studied the case; and your opinion (which you expressed in print) was, 'If Mr. Voysey was justly condemned, the Essays and Reviews were unjustly acquitted.' To me also the judges seem to have made distinctions without a difference, to clear their present condemnation from contradicting their former acquittal. Mr. Voysey is reported to have spoken lately of his still retaining the Orders which he received in the Church of England, and of his being ready to officiate in her, when she should be broad enough to admit within her body persons *professing* that they disbelieve the Divinity of our Lord.

Hitherto, our loss had been, that the state-Court had declared, that matters of faith might be denied with impunity; that the Clergy might deny all which the Creeds or Catechism or Baptismal Service taught us on the Sacrament of Baptism: that they

[d] Stat. 3 and 4 Gul. iv. c. 41.

might teach their people that the Scriptures were *not* '[e] the Word of God,' but contained it somehow or in some degree, or somewhere; and that there is no hell, and so, that they might throw its gates wide open for all whom the fear of God had kept back from it, and who, under that fear, might turn from God displeased to God appeased, and be saved.

I know not why or how a different turn was taken on the subject of ritual. Our revered friend John Keble, with the prescience of holy age, foresaw that it might not improbably be so; that the Privy Council might one day be as rigid against ourselves as it had been lax towards a lax school. '[f] The same instinct which strains the formularies in order to screen misbelief or unbelief may narrow them so as to proscribe a strong or clear faith and that which implies it.'

The case against Mr. Purchas was also a criminal case. The Judges acknowledged this[g], although only as to the use of holy water, of which they say that 'there is no proof whatever, either that it was consecrated at all, or that it was put there by the Defendant.' Of course any thing falls to the ground, of which there is 'no proof whatever.' But the eminent and clear-minded Judge Sir J. T. Coleridge, the father of the present Lord Coleridge, said, that this principle ought to have been attended to as to the vestments; for wearing which two Clergymen have been cast into prison.

[e] 'God's Word written' Art. xx. 'God's Word.' Act. xxi, xxii, xxiv, xxxiv, xxxvii.

[f] Preserved by Dr. Liddon, Purchas Judgement, p. 4.

[g] 'This is a penal proceeding, and each charge must be strictly proved as alleged,' Judgement in case Hebbert v. Purchas. p. 26.

'[h] The authorities on which they [the learned and reverend authors of the report] rely, do not appear to me so clear or cogent, nor the analogies relied on so just, as to warrant the conclusion arrived at. For it should never be forgotten that the defendant in a criminal case, acquitted as to this charge by the learned judge below, was entitled to every presumption in his favour, and could not properly be condemned but by a judgement free from all reasonable doubt. And this remark acquires additional strength, because the judgement will be final not only on him but on the whole Church for all time, unless reversed by the legislature.'

Sir J. T. Coleridge says of himself, '[i] I prefer the surplice at all times and in all ministrations,' but as to the condemnation of the Vestments, he says,

'[j] I venture to say that I think Mr. Purchas has not had justice done to him in two main points of the late appeal. I mean the use of the vestments complained of and the side of the Communion table which he faced when consecrating the elements for the Holy Communion.'

On the Vestments specifically he says,

'[k] The clause in question (by which I mean the Rubric in question) is perfectly unambiguous in language, free from all difficulty as to construction; it therefore lets in no argument as to intention other than that which the words themselves import. There might be a seeming difficulty in *fact*, because it might not be known what vestments were in use by authority of Parliament in the reign of King Edward VI.; but this difficulty has been removed. It is conceded in the Report that the vestments, the use of which is now condemned, were in use by authority of Parliament in that year.'

I need not repeat Sir J. T. Coleridge's argument,

[h] Letter to Canon Liddon by the Rt. Hon. Sir J. T. Coleridge, pp. 8, 9. [i] Ib. p. 6. [j] Ib. p. 5. [k] Ib. p. 7.

since you have quoted it at length[l]. On the other point, the Eastward position, he avows that to him the 'evidence of facts is by no means clear, and no conclusion probably can be arrived at, free from reasonable objection.' But on that very ground he held that the Eastward position ought not to have been condemned. He asked,

'[m] What is the consequence? It will be asked, Is the question to receive no judicial solution? I am not afraid to answer. Better far that it should receive none, than that injustice should be done. The principles of English law furnish the practical solution: dismiss the party charged, unless his conviction can be based on grounds, on which reasonable and competent minds can rest satisfied, and without scruple.

The Supreme Court has since reversed its judgement upon the point, on which Sir J. T. Coleridge thought that there was least evidence, and reaffirmed the condemnation of the vestments, the rubric upon which he thought to be 'perfectly unambiguous.'

3. To others it seemed even more strange that the Court condemned all mingling of water with the wine to be consecrated, even before the Service. Sir R. Phillimore had pronounced the mingling of water with the wine *during the service*, illegal, as 'being a ceremony, designedly omitted in and therefore prohibited by the rubrics of the present Prayer Book.' He premised however, '[n] I do not say that it is illegal to administer to the communicants wine, in which a little water had been previously

[l] The Purchas Judgement p. 5.

[m] Letter to Canon Liddon by Rt Hon[ble] Sir J. T. Coleridge p. 9.

[n] Martin v. Mackonochie, Eccl. Judgements p. 93.

mixed.' What Mr. Purchas actually did is not, I believe, on record. The charge was vaguely that he mingled water with the wine. Sir R. Phillimore pronounced that out of the service, it was not forbidden[o]. The Judicial Committee condemned all mingling with water.

a. The judges laid stress on the word 'wine' being used in the Prayer-book. It did not occur to them that the presence of a small quantity of a liquid other than wine does not make it cease to be wine; for we call the strong wines of Spain or Portugal by this common name, though 'brandied' for English use. The direction of old was that, when mingled during the service, the Cup was not to be consecrated, until the whole had become wine[p].

b. But in order to bring it under 'the additional ceremonies or innovations excluded by implication,' the Court considered the grounds for which it is used. One of those alleged is not 'symbolical' viz. 'because Christ Himself is supposed to have used it;' and then (as alternatives) it names three symbolical. Now clearly, if any one does so, *because* Christ did it, this takes it out of the province of symbolical interpretation altogether. And I doubt not that this, or the old and primitive usage of the Church, not any symbolical meaning, is the ground with most who do so.

But the Court, having enumerated the grounds

[o] Ib. pp. 186, 187.

[p] In the Liturgy of 1549 the words are, 'putting the wine into the chalice—putting thereto *a little pure and clear water* and setting both the bread and *wine* upon the altar.' The wine, when mingled with water, is still called 'wine,' and unless it had been 'wine,' it would not have been lawful to consecrate it.

for the mingling, non-symbolical and symbolical, forgot that it had enumerated distinct grounds, and assumed as the ground of its decision that the meaning *was* symbolical.

'[q] It can scarcely be said that the reception of the mingled chalice had no share in this symbolism, but only the act of mingling. Their Lordships are unable to arrive at the conclusion, that, if the mingling and administering in the service water and wine is an additional ceremony, and so unlawful, it becomes lawful by removing from the service the act of mingling but keeping the mingled cup itself and administering it.'

To support its decision, the Court added one supposed matter of fact, and then a matter of feeling. They say first,

'[r] Neither Eastern nor Western Church, *so far as the Committee is aware,* has any custom of mixing the water with wine apart from and before the service.'

And then more boldly,

'[s] Whilst the former practice [mingling during the service] has prevailed both in the East and the West, and is of great antiquity, the latter practice [before the service] has not prevailed at all.'

Dr. Bright says,

'[t] Not the least distressing feature in the recent judge-

[q] Purchas Judgement p. 27.

[r] Hebbert v. Purchas p. 27. [s] Ib. p. 28.

[t] Letter to the *Guardian* of March 8, 1871. The 'Handy-book' p. 60—63 quotes, in detail, from Bona Rerum Liturg. ii. 1, 7. 'Some Latins as Carthusians, Dominicans, Cistercians according to an old rite, and some others, imitate the [Greek] preparation of the water and wine before they begin Mass.' R. Sala adds the Carmelites, old Roman and Paris Missals. Even modern English books, as 'the Crown of Jesus,' have the same. It quotes also the Sarum Missal

ment in the Purchas case is the prohibition of any, even the most unobtrusive, observance of that most venerable usage, the mixture of water with the wine prepared for the Holy Eucharist. There is no need to cite the testimony of St. Justin Martyr, or other ancient testimonies on this point. It is, as many will feel, a grievance, that the clergy of a church which professes to follow primitive antiquity should be forbidden—as far as the present Court of Appeal can forbid them—to observe in any way whatever a Eucharistic custom, probably Apostolic, and, at any rate, as old as the first half of the second century. Granting that the public mixing of water with the wine at the time of the Offertory was to be treated as illegal; why should the private mixing, done in the vestry before service, be thus rigorously disallowed? Their lordships, we all know, had not the advantage of hearing counsel for the side, against which they pronounced. Had it been otherwise, they would hardly have been left to think that the private mixture was 'not likely, in default of the public, to find favour with any' or that, in fact, 'it had not prevailed at all.' It has *only* prevailed in the whole Eastern Church, as is plain from the Preparation Office, said in the side chapel of the Prothesis before the Liturgy begins; as it did prevail at low celebrations in the mediæval English Church, according to the use of Sarum. 'When Low Masses first began,' says the learned editor of the *Sarum Missal in English*, p. xliv, 'the priest was in the habit of putting the wine and water here (in the sacristy) before mass.'

To lay down that an act done *before* the service is an additional ceremony *in* it, or that to do what our Lord did is necessarily a ceremonial; and *this* to condemn one accused—these are not the principles upon which the Gorham case was decided. I cannot imagine that a Judgement so slovenly could have been

in English, (seemingly including the use of York,) and an English Benedictine Missal.

passed in Westminster Hall, or anywhere but in the Judicial Committee.

The matter of feeling to which the Judges appeal, was,

'As the learned Judge has decided that the act of mingling the water with the wine in the Service is illegal, the private mingling of the wine is not likely to find favour with any [u].'

This, of course, has nothing to do with law. It looks like an apology for the decision, but shews their ignorance as to the feelings of which they speak. Those who think that our Lord so did, cannot but wish to do the same.

Such then were the grounds of the ruinous costs given by the Privy Council against Mr. Purchas.

Of the original charges Sir R. Phillimore said,

'[v] They enter into minute details and specifications, some of a character extremely trivial, which it is impossible not to regret should ever have occupied the time of this Court, but other are of a graver character.'

Mr. Purchas did not appeal against any thing, in which the Judge of the Court of Arches pronounced against him, and discontinued them. The Appeal was by the Prosecutor, on the points in which that Judge

[u] It may not be useless to mention a ground for so mingling the Cup, apart from all ritual. Some communicants at the seven o'clock service at S. Mary's when Card. Newman was Vicar, complained of some discomfort from the *mere* wine to them. Of course, it was true, although ABp. Whately could not understand nerves so sensitive, and ridiculed it. Card. Newman, according to his principle, to make no change in externals, tried different expedients to avoid any change, but at last added some water to the wine at S. Mary's, before the service.

[v] Ecclesiastical Judgements. Elphinstone v. Purchas p. 160.

had pronounced that no charge lay against Mr. Purchas. They were 1) The mixed chalice, 2) the Eastward position, 3) Wafer bread, 4) The vestments, and two points, the one of which (the use of holy water) the Court dismissed as 'not proved,' the other as having no fault in it, 'that he had a biretta in his hand!' Ruinous costs (to which not having defended himself, he had not contributed) were decreed against him, because, except on two less important points, the charges had been held by the Judicial Committee to be sustained against him, although acquitted by the Arches Court. But on two of the other points, Judge Coleridge hesitated not to say, the Judicial Committee had failed to do him justice, (one of the two the Privy Council has since reversed.) I suppose that scarce any one would support the third, of the mixed Chalice before the service. On the direction as to the wafer bread, any one who should examine evidence without prejudice, would I think agree with Sir R. Phillimore that it was lawful.

On the Vestments Sir R. Phillimore's words are very remarkable;

"[w]As to the construction of this Rubric, according to the general principles of legal interpretation, I must say that, after a repeated and attentive perusal of the language, it does *per se* appear to me as plain and simple as any which is to be found in any statutory enactment. Lord Coke says that 'loquendum est ut vulgus' is to be assumed as the principle which underlies the language of enactments; and I really do not believe that any person of plain common sense and ordinary intelligence who reads this language, uninfluenced by considerations arising from supposed consequences, would hesitate as to the interpretation of it.'

[w] Ibid. pp. 162, 163.

The case of Mr. Purchas was the more gratuitous, in that he had absolutely no parishioners, not even a conventional district assigned to his Chapel. His Chapel, when he was appointed to it, was one of those old-fashioned proprietary chapels which (anomalous as the system is) are recognized as the property of the Clergyman. The Chapel was filled by those whom the Clergyman attracted. When Mr. Purchas obtained S. James', the former congregation returned to different parts of Brighton, whence they had come. The High-Church at the East of Brighton were glad to replace them, on account of the early Communions. No one was aggrieved by it. But a Colonel in H. M's. army thought it right to prosecute, and when he died, another took his place. The suit was given against Mr. Purchas. In the following year, the 51st of his own life here below, he, a Clergyman of unbounded love and tenderness, sunk under the harass of the prosecution. At the time it was not doubted that it caused his death[x]. "Shall the sword devour for ever[y]?"

In the Ridsdale case, a majority of seven to three, declared that the Ornaments rubric had a meaning,

[x] The direct cause of his death was an affection of the heart; 'and who shall say that the gradual decay of mind and body was not produced by the ceaseless, unnecessary persecution, to which this unfortunate Clergyman was subjected?' 'He whose troubles have been innumerable, he, whom it pleased stern bigotry and violent fanaticism to make a victim of.' Two accounts of his peaceful end in the *Brighton Gazette*, October 24th, 1872.

[y] 2 Sam. ii. 26. The winter imprisonment of an aged Clergyman of course involved risk. His unwilling release, gained in a second suit, saved probably his imprisoners from worse than himself.

the exact contrary to the literal meaning. One of the minority, a Judge whose sound judgement was esteemed by all, and whose loss is now lamented by all, Baron Kelly, would not be silenced, but said plainly, that the Judgement was 'one of policy, not of law.'

In the debate on the Bishops' Bill for the modification of the Court of Appeal, in which it was proposed that questions of doctrine should be referred to the collective Episcopate, several of their Lordships dwelt on a possible inconvenience which might arise, if the Episcopate should be nearly divided. This was a hypothetical case. What when the Court which these were to advise, itself rules, by a majority, what three of themselves would have rejected, if they could? The Privy Council unhappily speaks as a whole. But is this majority to overrule the judgement of the Ecclesiastical Court which declared the Vestments lawful, and rule the ritual of the Church, so long as the Church is established?

There could hardly be a severer condemnation of a body constituted to administer justice than what the Bishop of Manchester was quoted in 1871 as having said in its praise, '[z] It is a Court composed of men who look at things not merely with the eyes of lawyers, but also with the eyes of statesmen,' i.e. who, in pronouncing a sentence of law, look also to what is expedient.

It was said by some who did not sympathise

[z] quoted Guardian, April 5 1871.

with us: '[a] Considerations of public policy have affected its decisions, and the strict letter of the law has been disregarded in a fashion which would find little favour in Westminster Hall.' The unwritten law of justice, written in the heart of the natural man, would, even in heathendom, have repudiated such *un*law as this. Aristides could not have pronounced a sentence of law, looking 'also to what is expedient.'

No Church Court could have read the word, 'not,' into a simple rubric, and so have declared that the Church, under the appearance of directing that a thing *should* be done, meant all the while that it should *not* be done. Supposing that the rubric had run, 'The Ornaments of the Church and of the ministers thereof, at all times of their ministrations, shall *not* be retained or had in use as were in this Church of England &c.'—what ridicule would justly have been thrown upon us, had we, on the ground of certain alleged Advertisements of Queen Elizabeth, said that the rubric meant, 'That those ornaments *shall* be used.'

They were no common Bishops, who framed this last Ornaments' Rubric. They had endured and been annealed by the iron rule of Cromwell, when the English service had been proscribed under penalty of imprisonment. They had known the benefits of adversity. They were the leaders of that band, whose minds had been matured by it, and who have left their mark as the golden period of English Theology, 'the Caroline Divines.' They

[a] British Quarterly Review, April, 1872, 354 quoted in 'Purchas Judgement' p. 51.

saw what it was good to do, and what could not be done *then*, and laid up a provision for the future, when minds should be suited to it.

Those who think it strange that a rubric should have been inserted, which lay unused so long, and so doubt whether it could have been intended to be used at all, do not bear in mind the difficulties, under which the Church laboured, after the iron rule of Cromwell had ceased—the inadequate number of the Clergy who survived it; the hostility of the Non-conformists, whom it was a duty to win if possible, yet whose leaders held it 'contrary to the Word of God' to require the use of the surplice[b]; the dissoluteness of the laity, which they thought a demonstration against Puritanism; the distractions occasioned by the two last of the House of Stuart, and, after its ejection, the effect of the requisition of oaths from Clergy who, whatever their political convictions, had no thought but of discharging faithfully the duties committed to them by God, whereby so much of the salt of the English Church was cast out[c]; and, I have often feared, the far more unhappy effect upon the conscience of many who, notwithstanding their previous convictions, took them. In the last unhappy century, until it was awakened by the crash of the French revolution, no one would expect anything earnest or good. The politicians under the first king, of the house of Hanover hated the Church, and (it is on record) tried to degrade

[b] Baxter's life. pp. 341, 342.

[c] Six Bishops (including the Primate and the saintly Ken) and above 400 Clergy were ejected in the first instance. Others followed, when the Oath of Abjuration was also required.

her, because they knew that the hearts of the Clergy were with the exiled.

The Bishops of the Restoration planted for a future generation, what they knew that they could not foster in their own. They sowed for a long future, with a marvellous tenacity to their conviction, amid circumstances so discouraging, that the service, as it had been before any of the intervening changes, might yet be for the glory of God.

But although they did not bring back the ritual of Edward VI. to our people, who were just freed from the yoke of puritanism with which Cromwell had bowed them down, yet they, as well as their forefathers, did not neglect the teaching of truth through the eye. Bishop Forbes, in his memorable Defence, has accumulated instances of this, including both our great Bishop Andrewes and the Caroline Divines. He says,

'[d] It is right that I should not entirely pass over the testimony to the faith of the Anglican Divines which may be gathered from their actions—from their practices at the altar—and generally from the loving care with which they decorated the sanctuary. I advert to that splendour of ritual with which the great Caroline Bishops and Divines loved to surround the Blessed Sacrament, and which Bishop Sparrow gathers up into one emphatic phrase when he speaks of 'the glory of' our English 'altars.' In the Church of God ritual has ever been, in a certain sense, the expression of belief. There is a showy ritual in some bodies, external to her pale, as the American Unitarians, which teaches nothing, and offends nobody; but English Church people, whether skilled or unskilled in theology, must have derived some impression as to Eucharistic

[d] Theol. Defence. pp. 83, 84.

doctrine from the visible aspect of their chancels. I do not dwell on the magnificence of Queen Elizabeth's Chapel Royal, with its burning altar lights, its frontals of cloth of gold, its crystal candlesticks, its vessels glittering with pearls—for, of course, it will be admitted at once that the great sovereign herself meant by all this something far different from Virtualism. But the next generation might see this splendour imitated by the greatest English dignities according to their ability; and when they beheld in Bishop Andrewes' Chapel an amount of ceremonial observance which even Eastern worship could hardly outdo—when they observed the bowings, the incense, the coloured Chalice-veil, the lighted tapers—or in Charles I's Chapel Royal, the rich embroidered vestments—or at Durham, the marble altar with its three gorgeous cloths, and copes rich with crimson and silver—or in many a college chapel and parish church, as well as in cathedrals, the supply of furniture for the altar—or in Charles II's Chapel the gorgeous altar-cloth and the veils with red crosses to cover the Blessed Sacrament—it is inconceivable that the establishment of all this 'glory' should not have been more emphatic than many words, as to the mystery which it was meant to honour. Surely "the stone must have cried out of the wall," and every feature of the stately ritual have "answered it," testifying to a higher belief than that of the Real Absence of Christ's Body and Blood from that Sacrament which was the centre of the majestic whole.'

Our only resource had hitherto been to deny the authority of the Court and its teaching, to reaffirm with all earnestness the truths which it denied, to teach our people how "[e] fearful a thing it is to fall into the hands of the living God," and, "[f] knowing," as we do and as the poor judges did not, "the terror of the Lord, to persuade men."

I cast no blame upon individuals: they acted, I

[e] Heb. x. 31. [f] 2 Cor. v. 11.

hope, according to their light, and if they strained justice, they were blinded, I hope, by some expectation that it would be for good. The judges were out of their province. It is natural to think that they were 'at sea,' without rudder or compass. But what a hideous hypocrisy the law became in their hands!

It was to be no offence as to the Sacrament of Baptism, to deny an article of the Nicene Creed, or to change the condition, by which God admits us to the great gift of Christianity, to be 'in Christ.' Holy Scripture and the Church had taught that by Baptism, wheresoever or by whomsoever administered, we are made members of Christ, until, by sin of our own, any cast themselves out of Christ. The Gorham Judgement taught and sanctioned the teaching, that the gift of being 'in Christ' was wholly independent of Baptism, so that it might be given before it, or not given in it, or not at all.

'The Word of God' had been hitherto the source of the Faith to every Christian. Holy Scripture was our boast and our joy. The 'Essays and Reviews' Judgement substituted for our Bible a book which might be honey-combed with errors, in which truth was what each individual 'troweth,' what approved itself to his individual 'moral sense.'

Our Lord had taught the eternal punishment of evil-doers who repented not, in words well understood from the time when He sent His disciples to "teach all nations," promising to be "with" them "to the end of the world." The Court taught that, in fact, our Lord had used a word, which misled His disciples; that He did not foresee how they would

understand it; that He, the Truth, Who 'can neither deceive nor be deceived,' misled all the millions of millions of His disciples, who, for these eighteen centuries and a half, dutifully believed Him. It followed of course, to consistent minds, that He could not have been Almighty God, Who did not understand the force of His own teaching. Nay He would not have been even a good human teacher, if, in so central a matter as our future doom, He had misled those who trusted Him. It was hardly an addition to this, when some said it was 'an anachronism,' out of date, if any should make it a matter of conscience to leave the Ministry of the Church because they disbelieved His Incarnation and Resurrection.

All this was heard and contradicted. 11,000 Clergy re-affirmed that Holy Scripture is the Word of God and that 'everlasting' means 'lasting for ever.' Both houses of Convocation condemned the Essays and Reviews. The Church still impressed upon her people, at every grave, the punishment due to sin, in that agonised cry, 'Yet, O Lord God, most holy, O Lord most mighty, O holy and most merciful Saviour, deliver us not into the bitter pains of *eternal* death.' But all this denial of vital truth was legal. We could and did, and could not but, deny it in word: we were called '[g] earnest defenders of the doctrine of an endless hell.' But we could not cancel it. Practically the Privy Council had decided that it was free to believe that there was no hell. All these denials of truth were ruled to be no offence. What, when on a sudden England woke to hear,

[g] Dr. Farrar's Eternal Hope p. 197, Exc. iii.

that an elderly Clergyman was sent to prison, because he wore a dress which, when he was ordained, he was told, in a book put into his hands by his future Bishop, was legal and even right? "Whited sepulchres" these Judgements are, "which indeed appear beautiful outward, but are within full of dead men's bones and all uncleanness." What policy made out to be human 'law' was upheld as sacrosanct; Divine Law was trampled upon. Our Lord pronounced woe upon those who "strain out gnats and swallow camels."

A Court has no half-authority. It has all or none. If it has no authority as to our faith, it has none as to any act of faith. It never, I believe, occurred to either of us, that any obedience could be owed to such a Court as this. Our lives had been one continued protest against it. We should, with our convictions, have been traitors to our God, had we acknowledged that Court, with its incubus of decisions against the faith. '[b] It is a marvel to me,' I wrote to you ten years ago, 'to hear of grave persons all at once counselling obedience to this judge-made law, when we have for twentyone years been, in another case, persistently contradicting it.' At the first burst of the Purchas Judgement, we both declared our intention to act against it; you with Canon Gregory by informing your Bishop, that you should use the then forbidden Eastward position; I could not contravene it, either by celebrating at the centre of the Altar or by wearing the lawlessly forbidden Vestments; for I could not of myself make a marked change in our common Service, apart from

[b] Liddon's Purchas Judgement p. 63.

those, who were equally or more responsible than myself. I publicly avowed then, that I should act contrary to that Judgement[i], in the matter of the mixed Chalice, which could be mixed without causing distraction. I did it to challenge this *un*law. Had the Church-Association acted towards me, as it did to Mr. Dale, I should have been sent to the Oxford Gaol for celebrating the Holy Communion as our Blessed Lord instituted it, in wine mingled with water.

A pious Evangelical Clergyman, who is severed from us by his misconception of our belief, owns also that, according to our convictions, we are consistent. The Judge, who thought that he had no choice except to sentence Mr. Dale to prison, had persuaded himself also, that Mr. Dale's plea of conscience was a mere unreality. 'It depended only on himself to leave the prison.' Mr. Garratt, while maintaining the difference of his own belief, candidly appreciates our's. He also brings out the fact, that Mr. Dale was cast into prison, because he felt it to be his duty to act according to a direction of our Prayer-book, as explained in a book put into his hands by his future Bishop, when he was preparing for Ordination. The letter is remarkable for its candour and the writer's sense of the loss which this appeal to 'the sword of the flesh' involves. It was addressed to the Record Newpaper.

'In your leading article of Nov. 12 you say of Mr. Dale, "He is free to escape from his present position, either by leaving a Church with which he has obviously no real

[i] in Dr Liddon's Purchas Judgement p. 71. ed. 2.

sympathy, or by submitting to its laws and conforming to its practices."

'But in this there appears to me the fallacy of expecting Mr. Dale to act on other men's principles, not his own. The whole Sacerdotal party regard the Church of England not as a "Church," a society which a man enters voluntarily, and can voluntarily quit, but as an integral part of what they mean by the Holy Catholic Church (I am of course, expressing their views, not mine, which are totally different)—the Body and Bride of Christ, and the only part of it within this land. Every other body in England calling itself a Church, whether Romish or Nonconformist, is schismatic, and to secede from the Church is to cut oneself off from Christ Himself. This is the very foundation of their system; and to say that Mr. Dale can leave the Church of England is simply to say that he can change his opinions and give up his faith.

'The sacrificial vestments and some other things have been made the test of belief in the Sacrifice of the Mass. We could not wear them without admitting the truth of that doctrine, and Mr. Dale cannot cease under compulsion to wear them without denying it. He cannot secede from the Church without leaving what in his view is the body of Christ. And there is no way in which he can of his own accord come out of prison without submitting to one of these alternatives. I confess I am at a loss to see how any man can be in prison for obeying his conscience, if he is not. That his conscience is misinformed does not affect the case in this point of view.

'You speak further of Mr. Dale's "retention of a position and endowments obtained on conditions which he refuses to fulfil." If Mr. Dale knew, when he was ordained in 1845, that sacrificial vestments were illegal, he knew much more than I knew when ordained in 1840. Before I was ordained, the Bishop of London, Bishop Blomfield, directed me to read Palmer's *Origines Liturgicæ*, in which the now unlawful interpretation of the "Ornaments Rubric" is re-

presented as the true meaning of it, and engravings given of the sacrificial vestments, which that rubric was then supposed to require clergymen to wear.

'I did not consider, nor did the Bishop of London, I am quite sure, consider, that I took any vow to obey all laws, whether good or bad, in use or obsolete, or that these vestments were included in the promise of using the Liturgy. No consideration whatever would have made me then, or would make me, I trust, now, in any way, by vestment or otherwise, assume the appearance of a sacrificing priest, or by any outward act, however small, express belief in the doctrine of the Sacrifice of the Mass. But strongly as I feel personally on this subject, I can never say with truth that I think that at the time Mr. Dale was ordained any one could have looked upon obedience to the present legal interpretation of the "Ornaments' Rubric" as a condition of entering the ministry of the Church of England.

'Considered merely as a question of policy, the mode of action adopted by the Church Association must, as you observe, "be judged by its result." That seems to me decisive of the question; but I do not wish to be understood to expect that, if the policy of the Church-Association is abandoned, "the globule of persuasion," as you call it, will do the work. I think that if we had used the sword of the Spirit, and trusted to the power of the Spirit, Ritualism would, like Tractarianism before it, have come to nothing. But I am not so confident that God will now deliver us from the evil without first leaving us to suffer what seems to me the natural penalty of using carnal weapons in spiritual warfare.'

Mr. Dale adheres to the interpretation of the Rubric which he received before he was admitted to Holy Orders, and is treated as a felon. The secular press identifies with the 'law' this violent mis-

interpretation of the law, this *un*law, and hounds on the prosecution.

What then can be done to still this wild war, which has been convulsing England and has driven people calmly to contemplate changes, which a few years ago they would have earnestly deprecated?

The people of England have, through their later history, been very liable to panics, especially of Rome. Some years ago the 'Ecclesiastical Titles Bill' was a sop to the panic about what was called 'the Papal Aggression,' when Pope Pius distributed Roman Catholics throughout England into dioceses, instead of placing Bishops *in partibus* as 'Apostolic Legates.' Their dioceses could not but coincide in surface with ours, since Roman Catholics were scattered over the land; but in a marked way they avoided taking the names of our sees. Against Queen Victoria it was of course no more an aggression, than the partition of England among the districts of Wesleyan preachers. But a dexterous Prime Minister took the opportunity to make it a question of the Royal prerogative which he said that he would 'uphold,' although he must have known that he was powerless, and to raise a storm against the High Church Clergy. The debates in the House of Commons reminded one of Cicero's marvelling, how Augurs could look at one another without laughing. The members spoke, of course, to their Constituents, not to each other. Seats were lost, according to their speeches, and yet all must have been well aware, that as soon as the Bill should receive the Royal Assent, it would be a dead letter. After a decent time had elapsed, it was repealed, as being dead.

A like panic had seized the country, which found its vent in the Public-Worship-Regulation-Act. It is of no use to enquire now, what gave rise to that panic or who fanned it. The trade in advowsons and the arbitrary right of patrons, which will, I hope, soon be limited at least, aggravated it. The Simeon Trustees had long ago set the example of purchasing advowsons with the avowed object of placing in populous or popular places Clergymen, who should teach the one portion of Gospel-truth, which had appropriated to itself the great name of 'Evangelical.' From this the so-called High Church uniformly, on principle, abstained. They built Churches and endowed them more or less, and placed them chiefly in the hands of the Bishop. The See of London acquired in this way the nomination to, I believe, 60 Churches during the Episcopate of Bishop Blomfield. But the power of acquiring Advowsons could not but be liable to abuse. The fact that the advowson of one of our largest towns, which had long been a head-quarter of so-called Evangelicalism, was on sale, and the uncertainty into whose hands it might fall, perhaps quickened apprehension. There will always be mistakes every where; so it is also very possible that some ritualists, more or fewer, had introduced changes without first ascertaining the feelings of their parishioners thinking that they were empowered to do so. Country gentlemen thought that their parochial services might be changed (as has been done lately in an opposite direction) without any consent of themselves or their dependents. M. P's., who extolled the P. W. R. A. as a popular bill, as restraining arbitrariness on the part of the

Clergy, have admired a high ritual, when the congregation went along with it.

Archbishop Tait tells us of

'[k] a state of things in which every raw Theologian, visiting Belgium or some other neighbouring Roman Catholic country, came back laden with a crop of very doubtful innovations, which he sought to introduce into his own parish as an improvement on the authorised mode of worship, to the great annoyance and scandal of his sober-minded parishioners.'

I should think it probable that exaggerated accounts had been conveyed to his Grace. He does not mention whether he had recommended to other Bishops, in whose dioceses these 'crops' must have been sown (*if* they *were* sown), to try their fatherly counsels to end that sowing. Our parishes cannot, to any great extent, be in the charge of 'raw Theologians.' The Primate thinks that his Act has worked well, and

'[l] that the effect of the trials under the P. W. R. A., even when unforeseen difficulties have intervened, has been to make otherwise thoughtless persons think twice, before they embroil themselves in all the difficulties which the commencement of a suit would naturally throw in the way of their highest spiritual usefulness in their parishes.'

Whatever be the faults of any of us, his Grace's Clergy, 'thoughtlessness' is not one commonly imputed to the English Clergy. Whether these 'raw theologians' became riper, or whether they followed the opinion of those older, to make no change without the good-will of their people and to confine themselves to what is sanctioned by the 'Ornaments' Ru-

[k] Charge of 1880 p. 21. [l] Ib. p. 23.

bric,' or whether (as in cases which I *know*) they have taken the advice of their Bishop, no 'extreme ritual' has been brought before any Court, nor any relatively young men. On the contrary, those sought out for prosecution by the Church Association have been men marked for their long and laborious work, or as leaders, and they have been attacked, not for any extreme ritual, but for what is sanctioned by the Ornaments Rubric. Against some its agents failed to obtain accusers. Against him whom, in their love, his people called 'Father Lowder,' in his laborious mission among 9000 souls in the London Docks, its agents failed for some 12 years to gain a third 'aggrieved parishioner' to make a complaint. When at last, after he had laboured for 12 years among them, they obtained a third, 'the Archbishop,' their Secretary informs us, 'vetoed the proceedings[m].' So he passed away, undisturbed in the use of the ritual, cherished like a parent among those who had once been rough people, to whom he gave his life. Another veteran, T.T. Carter, they have ejected from his parish after 36 years of mutual love. Archbishop Tait praises him. His staying might have been too great a strain on the newly-obtained power of the Bishop, disputed to the utmost by the Church Association, to protect his Clergy against the Prosecutors. But it is an evil fruit of this internecine war. 'They make a solitude, and call it peace.' The neighbour-

[m] He was appointed Vicar of S. Peter's in 1866; in 1878 when the third was at length obtained, they 'proceeded by representation made under the P. W. R. A. and the Archbishop vetoed the proceedings.' Letter of the Secretary of the Association in the Times. Jan 19 1881.

hood, in which an eminent layman planted and built S. Alban's, was a den of thieves. No shopkeeper used to be able to take even his midday meal in his back-parlour, for fear of theft. God only knows how many of the thieves have been converted, how many migrated, but the den of thieves has become a population living in the fear of God [n]. After 10 years of persecution, the prosecution has collapsed, and the congregation still devoutly and intelligently join in the mode of worship which the prosecutors so long tried to wrest from them. Mr. Dale, a Clergyman about 60, gathered worshippers into his Church, which, through the conversion of houses for men into warehouses, had stood empty. Mr. Green, whose approaching imprisonment *the Rock* announces, has been for 11 years one of the most hardworking simple-minded parish priests in the diocese of Manchester, and *that*, in an outlying district newly recovered to the Church by a pious High Church layman. The 11 years of labour to win souls to

[n] Mr. Llewellyn Davies writes to the Times, 'It is a newer and more surprising statement that, by the influence of S. Alban's, 'what was one of the worst localities in London is now full of a religious population, who join intelligently in the service provided for them and love it.' 'If this claim could be substantiated, it would be a stronger argument in favour of Ritualism than any which can be drawn from the Ornaments Rubric.' I only said what was notorious to those who would inquire. The locality was chosen for the love of souls, in one of the worst heathendoms of London. Strangers, who have gone in a sceptical spirit, have reported that they were surprised to see the young of the congregation take such intelligent part in it. The poor act as missionaries to one another. At the opening of the new schools, those who knew not S. Alban's, were surprised at the number who thronged to them. They asked the boys, 'what brought them?' The characteristic answer was, 'The chaps brought us.'

Jesus were to be rewarded in this life by being torn from them and cast like a felon into a Gaol, because he has obeyed the law of the Church rather than the "*un*law" of a secular Court. Another, who had been labouring devotedly among 14,000 souls is now in Gaol. Are these persecutions "the fruits of the Spirit?" Is this, zeal for souls, for whom Christ died? Have we such a plethora of labourers in God's vineyard, that we can spare such devoted labourers as these? And after all, even for its own end, of being 'a short and easy method' for extirpating ritual, it must continue to be a failure, as it has been. For the Church Association, with all its diligence to discover 'aggrieved parishioners,' has been unable often to succeed in finding or making them, and according to his Grace, in six cases only, has there been any prosecution under it°.

° For myself, I tried to goad the Church Association in 1868, to substitute my name for Mr. Bennett in a suit, in which the two first charges were, that he accepted doctrinal statements of mine; or any how to include me. Else, as Mr. Bennett did not defend himself, I should be left to take my chance in an undefended suit. The Secretary declined to do either, but promised that, if it should seem necessary to take proceedings against me, they would 'hold me to my offer.' I answered, that 'I should not need to be held, but, if they would not be at one with us would gladly defend against their persecution a Catholic Truth which, if the Church of England denied, she would forfeit her claim to be a portion of the Church of Christ.'

In 1867 one, who wrote with a transparent anonymousness, but who declined to recognize what he had written anonymously implied that on account of my position in the University, I could not be attacked. I will not revive a controversy of 14 years ago by mentioning any names, but I wrote to the Oxford Chronicle April 16, 1867.

'I engage to Mr.—that if he thinks that it will promote true religion to prosecute me in the Vice Chancellor's Court I will raise

Such are some of the results of these Prosecutions which have convulsed and are convulsing the English Church; two failures (S. Alban's and S. Peter's, London Docks); one resignation of (in the Archbishop's words) 'one of the most devoted and widely respected leaders of his section of the Church, retiring from a field of labour which was very dear to him;' three imprisonments and a fourth sentence of imprisonment, suspended by the Minister who would have had to enforce it, and one privation of a Clergyman, whose own Parishioners were bound to him by twenty years of mutual love, whose communicants had nearly quadrupled in those 20 years [p], every one of whose communicants was satisfied with the character of their common worship and regretted the proceedings which have brought about their separation [q]. The accuser was one who had never

no objection to the jurisdiction of that Court. If the Assessor should decide against his own jurisdiction, and Mr.—and his friends please to apply for a *mandamus*, I will raise no legal objection to the granting of that *mandamus*. The *primâ facie* appearance of the University statutes certainly is, that a suit against any Professor alleged to teach unsound doctrine, ought to be entertained. It would be a great anomaly in English law, if a wrong (such as the wrong teaching of our future clergy on the part of those entrusted with their teaching) could not be redressed. . . . . I pledge myself to Mr.—that I will raise no technical objection, but will simply, God helping me, meet him on the merits of the case.—i. e. I will maintain before a judicial tribunal the consonance of the doctrine which he impugns with the formularies of the Church of England.'

[p] On Christmas day, 1860, there were 39 communicants, on Christmas day 1880 there were 158; on Easter Day 1862, there were 68 communicants, on Easter Day 1880, 253. 'The prosecution at S. Mary's Prestbury,' by Rev. J. Baghot de la Bere pp. 17, 18. [q] The expression of sympathy at his suspension and of hope of its ending, in 1878, was unanimous. Ib. p. 21.

been a communicant, before any changes in the ritual were made, who gave what seemed to the accused tokens of 'bearing malice of the bitterest description,' and who came from a part of the neighbouring city of Cheltenham, which, although somehow united with Prestbury, was by sympathy attached to the preaching prevalent in the rest of the City.

His Grace must be very easily pleased if he can contemplate such a result with satisfaction. The imprisonment indeed, he regrets: he would have preferred that the 'semi-Romish' ritual should have been continued in despite of the 'law,' waiting the more certain process of privation at the end of the three years of the P. W. R. Act.

To most non-Ritualists, like ourselves, it has seemed one long unmitigated evil.

I had not thought in this Letter to touch upon Theology, but his Grace in his recent Charge[r], stigmatised, I suppose, this Ritual as 'semi-Romish innovation.' I own that I do not understand the term. I have, in the course of my life, had occasion to learn something of what is Patristic, Greek, Roman, Anglican, Lutheran, Calvinist, Zwinglian; but of what is 'semi-Romish,' I can only guess, that it is something, which the Archbishop means to stigmatise. Of course, what is *semi*-Romish is not 'Roman,' and would be disowned by Rome. The Church of England has been called worse names by Non-Conformists of old, but these naturally are not the judges of our ritual. 'Humanum est errare.' It hardly belongs to the character of one speaking

[r] Charge, p. 29.

ex cathedra (as he thinks) as a sort of Patriarch of the English-speaking race, to use an undefined term of reproach. The Archbishop has naturally an hereditary antipathy to ritual. But it hardly belongs to the office of a Judge, to give an ill name to an animal, which one wishes to be put out of the way.

But is then the first Book of Edward VI., and its directions, *semi*-Romish? It does not seem likely, since the prayer was then still retained, 'From the tyranny of the Bishop of Rome and all his detestable enormities,—Good Lord, deliver us;' and the Act of Uniformity which sanctioned the Book, distinguished between the rites which it retained, and those which were disused.

No English Churchmen could designate as 'semi-Romish' the Bishops who at the Restoration formed the present Ornaments' Rubric.

Hitherto we have been content to speak of the 'vestments' vaguely, as only symbolising doctrine which (however grudgingly), has been acknowledged by the Privy Council, even in the undefended suit against Mr. Bennett. It is with reluctance that I write on a matter of faith in the midst of a discussion about the outward grievances of an 'unconstitutional law-Court and its consequences.' But that matter of faith underlies all these persecutions. We know, from the disputes about the surplice in the early Puritan times, that people may feel strongly about a dress, which symbolises nothing, except the purity which *they* ought to have, who wear it. We know, from the surplice-wars in the dioceses of two of the ablest Bishops of their day, Bishop Blomfield and Bishop Phillpotts, how Englishmen can mutiny

at any change put by authority, without explanation, upon themselves. But this does not account for this internecine war about a dress, which is required of no one, which is worn only where the congregation wish to have it worn, or have themselves provided it for the Priest to wear.

The secret spring of these attacks is that faith, which they who make them entirely misunderstand, and which if they understood, they would not, I hope, make them. Gentle as is Mr. Garratt's language and fairly as he appreciates the position of Mr. Dale, the terms which come naturally to him, 'Sacerdotalism,' 'sacrificial vestments,' a 'sacrificing priest,' shew wherein the real opposition lies. They make it, the better of them, (and I am sure that Mr. Garratt does,) in zeal for the faith which we both, and all Christians, hold; '[s] That the One offering of Christ once made is that perfect redemption, propitiation and satisfaction for all the sins of the whole world, both original and actual, and that there is none other satisfaction for sin, but that alone.'

Only *they* think, that what is, in truth, the belief of the Church from the first interferes with it; we *know* that it does not. This is no new thing, that persons, attaching some new sense to the old language of the Church, reject the language. Bishop Daniel Wilson, after having been, for many years, the head of his school at Islington, said, in parting for his Episcopate in India, that in England we were divided by the different meanings, which we attached to one word—'regeneration.' 'If you say that we are regenerate in Baptism,' (I was asked by an

[s] Art. xxxi.

Evangelical Clergyman at the beginning of the controversy) 'what name do you give to that grace, from which a person does not fall?'

So with regard to the Eucharistic Sacrifice, I noticed, many years ago, in a preface[t] to the 'Testimony of writers of the later English Church to the doctrine of the Eucharistic Sacrifice.'

'Not a little perplexity may be caused to a superficial observer by the ambiguity of the language, and the variety of senses in which the terms are used. Thus the words, 'sacrifice,' 'proper Sacrifice,' 'real and true sacrifice,' and even 'propitiatory or expiatory sacrifice,' will be severally used in a good or bad sense by the several writers, and as meaning the same thing, they will yet maintain or censure, as it may be, the same words.'

I should not myself write now, as I did 38 years ago, but this does not affect the question as to the use of words by others.

It is then satisfactory to think that those in authority, who have spoken of the Eucharistic Vestments as symbolizing some unknown and mediæval belief, alien from and contrary to the belief of the Church, have really attached some different meaning to the word 'Sacrifice,' or have listened to those who used hard words as to the ritualists.

It is difficult to know where to begin, with any hope to disperse so thick a mist. But God will in time clear it. Among the aiders and abettors of these prosecutions it would be like speaking to the wind and waves, to appeal to '[u] the Primitive Church which is specially to be followed as most incorrupt and pure,' or to those '[v] six Councils which were al-

[t] Tracts for the Times No. 84 p. 43.

[u] Homilies 2 B. ii. 2, 3. [v] Ib. 2.

lowed and received of all men,' or '[x] that fasting was used in the Primitive Church appeared most evidently by the Council of Chalcedon, one of the four first General Councils,' or again, individually, to appeal to '[y] Augustine, the best learned of all ancient doctors,' or '[z] Epiphanius, a bishop and doctor of such holiness and authority,' or '[a] Athanasius, a very ancient holy and learned bishop and doctor,' or '[a] Cyrillus, an old and holy doctor.' Unless, from the unusual language, any suspected that it was not my own, I should expect the Prosecutors to say, 'What are they to us? We own no authority, but the Word of God.' Truly! The Word of God is the *source* of all truth. But the very respectable authority, which I have quoted, evidently thought that others and especially the Church in its General Councils, or '[b] the old holy fathers and most ancient learned doctors,' might help us in understanding that Word; any how, that it might be safest, not to speak very vehemently against what they taught.

Again, the pet word in denying all priestly offices is 'Sacerdotalism.' What when the word 'Sacerdos' is used as the Latin heading of our xxxii Article, 'On the marriage of Priests,' Sacerdotum? It was specially, as Priests, that the Roman Church forbad Clergy to marry.

Or again, it may startle some to hear that a very celebrated *Lutheran* minister, Molanus, placed the Eucharistic Sacrifice first in the class of those which were verbal controversies[c] (i. e. controversies

[x] Homilies 2 B. iv. 1. [y] Ib. 2. [z] Ib. [a] Ib. [b] Ib.

[c] Cogit. de meth. reunionis &c. in Bossuet (Œuvres xxv. 276—279. translated in my Eirenicon iii. 41—44.

in which the opposing parties had the same belief, but differed in their way of expressing it), or that the *Calvinist* Minister 'Ferry agreed that there was no more difficulty after the explanations, which I (Bossuet says) gave him in writing.' Molanus died a Lutheran; Ferry, a Calvinist. Why then should we be said to 'advocate' a 'semi-Romish ritual,' because we think that a ritual which, in the simplest way, suggests the doctrine of the Eucharistic Sacrifice, ought to be tolerated?

Or again to return home. Some might think a second time, if they knew, that a writer held in reputation among us, in a book, dedicated by permission to our two then Archbishops, claimed not Cranmer only (in which I think that he was mistaken) but divers of our own approved Theologians as teaching the Eucharistic Sacrifice [d].

'Our Theologians, such as Bramhall, Patrick, Wilson, bishops; and Mason, Field, Mede, Johnson, &c. always have taught the doctrine of the Eucharistic Sacrifice and oblation, according to Scripture and Apostolical tradition.'

Passages were given, selected with much care and discrimination by Bishop Forbes in his Theological Defence.

I will give the words of one only, to whom the name of 'Apostolic' has been generally accorded, whose writings have been dear to those of every school, who love simple piety, Bishop Wilson [e].

'[f] May it please Thee, O God, Who hast called us to

[d] Palmer 'A treatise on the Church of Christ designed chiefly for the use of students in Theology.' Vol. ii. p. 463.

[e] quoted by Bp. Forbes, Theol. Def. pp. 110, 111.

[f] Sacra Privata, p. 104. Ed. 1834.

this ministry, to make us worthy to offer unto Thee this Sacrifice for our own sins and for the sins of Thy people.'

'[g] May I atone Thee, O God, by offering unto Thee the pure and unbloody Sacrifice which Thou hast ordained by Jesus Christ.'

'[h] Give me, when I commemorate the same Sacrifice that Jesus once offered, give me the same intentions that He had, to satisfy the justice of God, to acknowledge His mercies, and to pay all that debt which a creature owes to his Creator. None can do this effectually but Jesus Christ: Him, therefore, we present to God, in His Holy Sacrament.'

'[i] Which is shed, i.e. He then at that instant gave His Body and Blood a Sacrifice for the sins of the world. He then offered as a Priest, Himself, under the symbols of Bread and Wine; and This is the Sacrifice which His priests do still offer.'

For myself, I think the argument of Bishop Forbes unanswerable.

'The key to the meaning of the Article [xxxi] is in the words "Wherefore" and "Satisfaction." Any construction which condemns a doctrine of Eucharistic sacrifice consistent with the first sentence of the Article, makes it self-contradictory, inasmuch as the Article expressly confines itself to excluding any notion which would militate with the perfection of the offering of Christ once made upon the Cross, as being the only 'Satisfaction for sin.'

Not *any* doctrine of the Eucharistic Sacrifice is condemned by the Article, but only such doctrine as should add to the virtue of that '[k] full perfect and sufficient sacrifice, oblation and satisfaction, for the

[g] Sacra Privata, p. 105. From the Clementine Liturgy.

[h] Ib. p. 200.

[i] Ib. Holy Bible, with Notes, on S. Matt. xxvi. 28.

[k] Prayer of Consecration.

sins of the whole world,' which our Lord Jesus Christ made, when He 'suffered death upon the Cross for our redemption.' We who say this prayer to our Lord in every celebration of the holy Eucharist cannot, of course, hold any doctrine of the Eucharistic Sacrifice which would interfere with His. We could not say to God, at that great moment, what we did not believe. Human nature could not.

Or again, people might be surprised to hear, that in the revival of the old teaching of the Church of England above 40 years ago, the doctrine of the Eucharistic Sacrifice was first distinctly taught, not by any of those called Tractarians, but by one known as an anti-Roman controversialist, the author of the celebrated 'Letters to Charles Butler,' Bishop Phillpotts. I was struck at the time by the great clearness and simplicity of the statement, which is framed upon one of S. Ambrose. I will insert it for its clearness.

'[1] And not only is the entrance into the Church by a visible sign, but that body is visible also in the appointed means of sustaining the new life, especially in that most sacred and sublime mystery of our religion, the Sacrament of the Lord's Supper, the Commemorative Sacrifice of the Body and Blood of Christ; in which the action and suffering of our great High Priest are represented and offered to God on earth, as they are continually by the same High Priest Himself in Heaven; the Church on earth doing, after its measure, the same thing as its Head in heaven; Christ in heaven presenting the Sacrifice, and applying it

[1] Charge delivered to the Clergy of the Diocese of Exeter, 1836. pp. 43, 44. Bp. Phillpotts repeated the same teaching more fully in his Pastoral letter of 1851 p. 53. quoted by Bishop Forbes, Theological Defence p. 72.

to its purposed end, properly and gloriously; the Church on earth commemoratively and humbly; yet really and effectually, by praying to God (with thanksgiving) in the virtue and merit of that Sacrifice, which it thus exhibits."

I may add another passage, which, if we had written, would, I fear, have been called an ill-name. However, it is still Bishop Phillpotts[m].

'In the Eucharist, as a Sacrament, we eat our ransom,' as S. Augustine says,—we receive spiritually 'the Body of our Lord Jesus Christ which was given for us,' 'His Blood which was shed for us:' in the same Eucharist as a Sacrifice, we, in representation, plead the one great Sacrifice which our Great High Priest continually presenteth for us in heaven. In heaven, He presenteth ever before the Father, in person, Himself,—mediating with the Father as our intercessor; on earth He invisibly sanctifies what is offered, and makes the earthly elements, which we offer, to be sacramentally and ineffably—but not in a carnal way—His Body and Blood. For although once for all offered, that sacrifice, be it remembered, is ever Living and Continuous—made to be continuous by the resurrection of our Lord.'

The belief in the Real Objective Presence of the Body and Blood of Christ in the Holy Eucharist, in itself, involves the Eucharistic Sacrifice. For the Act of Consecration is believed everywhere to constitute the Act of Oblation.

When the attempt was made in 1871 to obtain a condemnation of the Doctrine of the Real Presence, in the person of Mr. Bennett, whom two expressions seemed to make more vulnerable than the rest of us, and who would not defend himself, I once more, in a sermon[n] before the University, collected, in the

[m] Pastoral letter, 1851, p. 53.

[n] 'This is My Body.' pp. 28—38.

briefest compass in which I could condense them, sayings of the Fathers, containing that doctrine. I would venture to recommend to any one, before he slights that belief, just to survey them. Any how, it might make them hesitate, whether it was quite safe to speak very vehemently against what they taught. They took away my breath when preaching, for the immensity and majesty of their simple utterances.

I have balanced whether, in this place, I should adduce any portion of the Patristic evidence for the faith as to the Eucharistic Sacrifice, which is the motive and centre of all this fierce and continuous attack upon ritual. But it would require a volume. In all this turmoil, people have no time to study; and for those who really wish for study, it has been written already[o]. I will then only mention two,

[o] Passages, containing the doctrine of the Eucharistic Sacrifice, are translated in my book 'The Doctrine of the Real Presence as contained in the Fathers from the death of S. John the Evangelist to the 4th General Council.' 1855. S. Irenæus p. 321—323. S. Hippolytus (a disciple of S. Irenæus) p. 339. S. Cyprian p. 357. p. 360. S. Laurence p. 367. Eusebius p. 368. S. Optatus p. 409. S. Ephrem on Gen. xxi. T. i. p. 160. Syr. and p. 422. S. Basil p. 428. (read *sacrifice* for *consecrate* l. 3.) S. Gregory Nyss. p. 434, 435. S. Greg. Naz. p. 438. Didymus p. 442. S. Macarius Eg. 449. Euseb. Alex. p. 453. S. Ambr. pp. 455, 456. 461. 463. S. Jerome p. 478. S. Gaudentius p. 487—492. S. Isaae p. 496. S. Augustine p. 500, 502—506, 507. 519, 532, 534, 536, 540. S. Chrysostom, pp. 545. 546, 556, 557, 563, 577, 579, 580, 581, 591, 592, 596. S. Cyril Alex. pp. 622—624, *for* sanctified *read* sacrificed. 647, 651, 661. S. Maximus, p. 671. Theodoret, pp. 676, 678. S. Proclus, p. 630. S. Leo, p. 695 (*read* the Sacrament of the Sacrifice).

The above passages were put together as mere translations in my own book. Many of them are explained with learning (as the circumstances required) in the Bp. of Brechin's Theological Defence.

and they shall be out of the six General Councils, which the Homilies (as I have said already) speak of as "allowed and received of all men."

The Council of Nice was a wonderful assembly. 'There were at that time (relates a very calm old historian[p]) many eminent for Apostolic gifts: many too who, according to the Divine Apostle, "bore about in the body the marks of the Lord Jesus." One "had raised the dead to life;" the red hot iron had destroyed the power of motion in the hands of another; others had their right eyes dug out; others hamstrung in their knees; a crowd of martyrs might be seen gathered in one.' 'Some,' says the Arian historian[q], 'were eminent for the word of wisdom.' These transmitted the faith which they had received. Those of the present day will not (it is to be hoped) compare themselves to them. Their statement as to the Eucharistic Sacrifice, occurs incidentally (so to speak) on occasion of what would now be counted as unimportant. Some deacons had taken on themselves to administer the Holy Communion to Priests. The irregularity was brought before the Council. The Council enacts;

'[r] It hath come before the holy and great Synod, that in certain places and cities the Deacons give the Eucharist to the Presbyters, which neither the Canon nor usage has handed down, that those who have no power to offer, should give to those who offer, the Body of Christ. It also came to our knowledge, that some of the Deacons take the Eucharist even before the Bishops. Let all this be done away.'

[p] abridged from Theodoret H.E. i. 7.

[q] Euseb. Vita Const. iii. 9.

[r] Can. 18. See in Bp. Forbes Theological defence, p. 37.

The Canons as well as the Creed of the Council of Nice were received throughout the whole Church. If any think it strange that a General Council should have thought it worth while to pass any decree on the subject, it will shew this only, that the nineteenth century is very different from the beginning of the fourth, 'the Primitive Church which is specially to be followed,' (the homilies say) 'as most uncorrupt and pure.' Yet the doctrine is stated in the simplest way in which it could be worded; that 'deacons have no power to offer the Body of Christ,' and that 'Priests do offer it.' To whom, save to Almighty God?

The other passage which I would press upon objectors, as a reason, why they should cease from this wild war, is one which has the sanction of four General Councils, the third, fourth, fifth, sixth[s]. In a letter[t] so sanctioned, and bearing, accordingly, the authority of those four Councils in addition to their own, S. Cyril and the Council of Alexandria express most fully the union with our Incarnate Lord through the Holy Eucharist, and, concisely, the Eucharistic Sacrifice.

'We celebrate in the Churches the unbloody Sacrifice, and so we approach to the mystic eulogies and are sanctified, being here made partakers of the holy Flesh and of the precious Blood of Christ the Saviour of all. And we receive not as common flesh, God forbid! nor indeed as that of a sanctified man, and one associated with the Divinity by unity of dignity, nor as one that hath the Divinity

[s] See the proof in the Theological Defence for the Bishop of Brechin pp. 53, 54.

[t] Ep. Syn. Alex. T. v. p. ii. Epp. p. 73 translated Ib. pp. 54, 55.

dwelling within Him, but as the truly life-giving and proper flesh of the Word Himself.'

If the Judicial Committee had had before it the Evidence which Bishop Forbes presented to the Bishops of Scotland, (brief as was the time which was allowed him) even the Judicial Committee could not have acquitted Mr. Bennett as grudgingly as they did. Of course, no one who knew the primitive faith could be satisfied with it[u]. It busied itself to contradict the Judgement of the Ecclesiastical Court, the Court of Arches. It gained peace for those who held the old faith, which was the utmost which any one expected from the Court of Appeal. But since even the Judicial Committee acquitted the doctrine, then there is no right to work on the minds of the uninformed, as if the ritual represented a doctrine which had been condemned, instead of a doctrine which had been acquitted.

Tempting as it is to controversialists to renew against those whom they oppose, the hereditary cry of 'Romanism' which was used so freely by the Puritans against the whole English Church, there must, I hope, be a reaction, if not too late, when

[u] Dr. Bardsley writes to the Times, 'If Dr. Pusey is satisfied with this kind of sanction for his doctrine, it must be acknowledged that he is not difficult to please.' I did not expect to be 'satisfied' with any judgement of the Judicial Committee in an undefended case, careful and elaborate as had been the sentence of acquittal in the Church's Court. But it did carefully consider the language of Mr. Bennett, and acquitted it of contradicting the formularies. The language which it used to guard the acquittal, was extra-judicial. I do not think that the Court would have used that language, had the Church Association acceded to my request to be included in the suit, that I might defend myself.

people see, that what they call 'mediævalism,' was the faith of the early and undivided Church; and that in contradicting the doctrine of the Eucharistic Sacrifice, they are unknowingly condemning what was once a law to the whole Church, the great Council of Nice.

I trust that his Grace now sees one great evil of these prosecutions, that while controversialists are expending their energies in the extermination of Christians who hold all the old faith with themselves, but who also hold some truths which they themselves have not yet come to see; they are exposing the faith undefended to the assaults of '[x] the Atheist, the Deist, the Rationalist.' His Grace does not appreciate Ritualism, any more than he did the movement of 1833. The object of that movement was 'the Catholicising of England' i. e., to bring all to that one faith of the Primitive Church, which the Homilies say, 'is specially to be followed, as most incorrupt and pure:' or, in scientific language, the rule of Vincentius, 'quod semper, quod ubique, quod ab omnibus,' the one faith which had been held 'by all, everywhere, and always.' This, and a life, the fruit of God-given faith, it was one object of our lives and labours, by the grace of God, to preach and teach.

Of that movement he says kindly,

'Not only do we owe to it reverent appreciation of the value of the outward forms of religion, but it greatly changed that large section of the Clergy who, ever since the days of the Common-wealth, have inherited a horror of Puritanism, and who under recent teaching, have risen

[x] Charge 1880. No. 2, 3, 4.

from the careless indifference which characterised their predecessors to a rigid observance of the duties of their sacred calling. Still more, there can be no doubt that, uniting good taste with genuine Christian feeling, this revival laid hold of the imagination of many ardent and highly cultivated young men who have since risen to important public positions, and under its guidance have exercised a lasting Christian influence on our whole nation.'

I could not myself adopt the language of his Grace as to the previous condition of those who at one time called themselves 'high and dry,' nor as to any influence of the teaching of that Oxford School among them. For myself, I felt that our mission was to the whole people of England, whether within the Church or without it, to win them to the full faith of Christ. To the Evangelicals I looked, as fuller preachers of the Gospel when they should come to see that Sacraments were not, as one preached, "wood, hay, stubble," and no longer share the saying of a celebrated dissenting minister who spoke of 'the soul-destroying doctrine of Baptismal regeneration:' I ever hoped that they would one day know of them, as gifts of our One Lord to work in the soul the new birth in Him, new life and union with Him.

As little does his Grace seem to me to have any glimpse of the soul of ritualism now. He sees it only as an outward thing, as outward as the vestments themselves. But any how his Grace does not see in it sheep's clothing to hide the wolf within. So he too can preach peace. He appeals earnestly;

'[y] What would be said if, through our weakness, we

[y] Charge pp. 32, 33.

should give to those who are banded together to resist or ignore Christianity, the encouragement always secured for an advancing foe, when those who have to repel the onset are blind to the greatness of the real danger, and occupied with frivolous disputes on minor matters among themselves. Many questions, both important and unimportant, about which Christian men may differ, can afford to wait for their settlement, till formidable dangers, threatening the whole Church, are overpast.'

'[z] Sad indeed, if souls should be perishing around us while we are engaged in conflicts about mint, anise and cummin . . . . I trust we are coming to the end of our late unhappy divisions within our own Church . . . . . I think I am not too sanguine in believing that the overwhelming majority of Churchmen are tired and ashamed of these disputes, and are thankful that they are dying out.'

I hope that we may account the Archbishop's words as expressing his wish for peace, and that, not only in the one way of destroying a ritual, not extreme but moderate, in congregations which have learned to love it. The recent manifesto of the Church Association, in answer to Bishop Piers Claughton, breathes nothing but war. It boasts of having spent £30,000 upon their prosecutions and professes that '[a] they will be delighted to be relieved from the disagreeable task, so soon as a general determination on the part of their Lordships, to require and ensure obedience to the *law*, has been manifested.' In other words, if the Bishops would put down ritual, they would be glad to be saved the trouble. But if they are 'frivolous disputes about minor matters,' why have they been at all? The Archbishop thinks them frivolous; the Church As-

[z] Ib. pp. 16, 29.

[a] The Times Jan. 11.

sociation, on account of the doctrine which they hold to underlie them and which they have misunderstood, holds them to be important. Clergy have been prosecuted, ruined, harassed so that one of tender heart died, deprived. The disputes have been on one side only. It has been but according to the old saying, '[b] Ego vapulando, ille verberando usque ambo defessi sumus.' Only the imprisoned Clergy shewed no weariness in suffering, nor the Church Association in inflicting.

People impose upon themselves by words. They inflame the minds of the ignorant by a parrot repetition of the words '*extreme* ritual.' Was then the ritual of Edward VI. an 'extreme ritual?' And yet Mr. Carter was obliged to resign for something short of this. We hear continually of 'mediæval doctrine.' The General Councils were, of course, not mediæval, but belong to the times, when the Church was (our Homilies say) 'most uncorrupt and pure.'

To what end this wild war? I am thankful that at last there are some to say, "[c] Sirs, ye are brethren," and to repeat the Apostolic saying, "[d] All the law is fulfilled in one word, even in this; Thou shalt love thy neighbour as thyself. But if ye bite and devour one another, take heed that ye be not consumed one of another."

The Church Association, not any aggrieved parishioners, has promoted and supported the prosecutions. Without it, there would have been peace in the Church. It has verified the Roman poet's description of the horse-leach, 'Non missura cutem, nisi

[b] Terent. Adelphi 2. 2. 5.

[c] Acts vii. 26. [d] Gal. v. 14, 15.

plena cruoris hirudo.' The High Church party has been simply on the defensive. No provocation has induced them to try to enforce upon others what they think or see right to do. Many of the so-called Evangelical Clergy still, I suppose, contravene, not only the judgements which the Church Association has obtained against the Ritualists, but the Act of Uniformity in their 'railful administrations.' In such cases, very many of them have altered[e] the words of administration, which the Church has provided among us. They stand alone in their innovation. But it was no office of ours to enforce the practice of Christendom upon *their* congregations. We hoped that Almighty God would teach them more reverence, and so left them. Why, being free themselves to worship God, as they find to suit them best, will they not allow to united congregations, what *they* find edifying to them? The animal in the fable, who grudged his neighbour ox what he did not himself wish for, is not a type of Christian love.

You and others whose names must have weight, have already expressed[f], in answer to his Grace, what we wish for, viz. 1) some modification of the Court

[e] The common custom, as I know from personal experience and from the information of ear-witnesses was, to substitute the words, 'The Body of our Lord Jesus Christ which was given for *you*, preserve *your bodies and souls* unto everlasting life.' Dean Close says that he ever retained the word 'thee;' in what sense he does not say: another tells me, that he retains the word 'thee' in what I cannot but think a 'non-natural' sense, meaning the whole railful. Both broke the directions of the Prayer-book, 'when he delivereth the bread *to any one* he shall say'—'the minister that delivereth the Cup *to any one* shall say.'

[f] Memorial of the Dean of S. Paul's and others.

of Appeal, such as should make it a Church Court; and 2) toleration, not of 'extreme,' but of very moderate 'ritual,' such as was that under Edward VI.

Convocation will be the natural place for discussion as to the nature of the Court. You have suggested one. The plan which was recommended by almost all the Bishops in 1850 would also, you think, satisfy the idea of a Church Court, 'that questions of doctrine should be referred to the collective Episcopate, and that their answer should be binding upon that occasion, while the judgement on the facts alleged should be left to the Civil Judge.' What we want at present is the acknowledgement of the *principle* that, in the Final Court of Appeal, decisions as to the faith should be left to those whose office it is to 'drive away strange doctrine.' Bishop Blomfield and the Committee of the House of Lords laboured, during more than three sessions, to mature a satisfactory Bill. Three, including that which was finally proposed, were framed. Unpractised as Convocation is, and short as have been their Sessions, we cannot expect that they should be able at once to mature a plan, which should approve itself to hostile criticism, and jealousy, both in behalf of the Royal Prerogative, and as to any claim for the Clergy, that, being pledged to draw all their care and study this way, they know more of doctrine than men's ideal 'intelligent layman.' We must be patient as to details. Convocation will not, I suppose, have the office of sketching out any fresh plan. It has, doubtless, materials, out of which to select; but selection itself requires time.

The object of the change of the Court is, I sup-

pose, matter of principle, to get rid of an unconstitutional Court, more than to guard against any immediate mischief which it might yet be expected to do. It would indeed be rash to anticipate too confidently, that a Court which has done so much evil would not do more; but at present there seems no more for it to do.

I would only add here then, in relation to the objection of some of our friends, who are afraid that Bishops might commit the Church by unguarded sayings, that I hope that the responsibility of such a possible office would make some of them more guarded. They could hardly pronounce so unguardedly or vaguely, as some have allowed themselves to do, on any matter, upon which they might have to judge afterwards. I suppose that this aids to give Civil Judges their proverbial reticence. If any should so commit himself, he would disqualify himself for judging in *that* matter; as we have lately witnessed a judge of high reputation decline to sit on an important political trial because some incautious words seemed to imply that he already held the accused to be guilty. Bishops could not for instance *then* condemn a thing as 'mediæval,' unless they *knew* that it was not 'primitive;' nor use the word 'semi-Romish,' in condemnation of what might come before them as judges. Bishops of 1841—1844 did untold harm by echoing the words of the Oxford Heads of Houses, which these had learned from the 'four Tutors.' Yet not a proposition could have been extracted from Tract xc., which they could have condemned.

Moreover, according to the plan of the Bill accepted

by almost all the Bishops in 1850, as explained by Bishop Blomfield[g], the referees were not to be the Bishops exclusively, but as associated with Presbyters. Nor were they ever to be judges of the whole case, but only to decide on the definite questions referred to them. They would not e. g. have been asked whether the principles of Tract xc. contradicted any formularies of the Church of England; nor could they consistently have pronounced that they did, since they passed uncensured my own explanation and defence of them, as well as the yet stronger advocacy of the Rev. W. B. Heathcote, that they were *the* principles of the Church of England. They would not have been asked so vague a question. But on the definite matters of doctrine, upon which the Judicial Committee did so much harm, we know as a fact that they did pronounce right, although they had no power to annul the wrong already done by the Judicial Committee.

I look more to that other point, toleration. It would be happiest for the Church, if the new Court of Appeal should have no cases brought before it. It cannot be demanded in the name of religion, or morals or equity, that one class only should be excluded from toleration. The so-called Broad Church have had licence accorded to them, which almost startles their own organs, and which some of them can scarcely reconcile with the use of either Creed or Prayer-book, else they would not desire to be al-

[g] interrupting the statement of the Marquess of Lansdowne that, according to the Bill, the inferior clergy were to be excluded, Hansard 3 S. Vol. cxi. p. 625.

lowed to declare, that they receive them in non-natural senses[h]. The Low Church have every thing which they can want for themselves. One thing only the persecutors among them wish for, the power of exterminating one single class of those with whom they partially disagree. They are content that Clergy should deny Hell and the Inspiration of God's Word, and disbelieve every doctrine in that Word. But to wear a garment, which was worn in the English Church, in the reign of Edward VI.; to have a vestment, as both East and West have, for the Eucharistic Service, which was first enjoined by Cranmer, and the direction to wear which, stands in our present Prayer-book—this alone is to be intolerable.

The Archbishop appeals to the resolution, which he brought at the last moment before the Bishops assembled at Lambeth and which was accepted by them, that 'no *alteration* from long-accustomed ritual should be made *contrary to the admonition* of the Bishop of the diocese.' I suppose that there are few, who would *make* such *alteration*, contrary to the *admonition* of their Bishop. But, have any such been *made?*

In old days, we were left to the guidance of the rubrics. The Bishops left us to ourselves. We should have been thankful for their guidance, but they simply looked on, criticising this or that expression in the Tracts, but did not give it. He who was intellectually chief among us, when received into the Roman Communion, is recorded to

[h] 'The position of the liberal Clergy.' A paper read at Sion College, Jan. 13. 1881.

have said to the Pope that he had no more devoted allegiance to offer, than he had entertained to his own Bishop. Left to ourselves, our obedience was to the Prayer-book.

The Eastward position was adopted because the rubric said 'before the Table,' and no one, who was not embarrassed by difficulties brought *into* the direction, would doubt its meaning. Any domestic would understand, what 'standing before' a table means. In those days, so much had been obsolete, that the distinction between what had been obsolete for a longer or shorter time did not occur to us. The observance of Good-Friday had been obsolete in the latter part of the last century, and its revival was represented as something 'Popish.'[i] There was a school, which I myself thought a little stiff, who set themselves to restore the rubrics collectively. They were the law of the Church, and if any of us held back or counselled others to hold back, it was on our own judgement, not to distract people's minds, and occasion the whole to be represented as a question of externals. Bishop Blomfield was applied to, to give an opinion against their restoration in his Diocese, as 'Popish and superstitious.' His answer, in 1842, was that the rubrics are adequate authority in themselves. We needed not (he laid down) any thing beyond the rubrics themselves. The only external revival, then, was the increased use of the surplice, and the Eastward position. But Bishop Blomfield's words were emphatic and absolute, and

[i] See extract from Sir E. Bridges Restitut. iv. 216. quoted in note on Sir R. Phillimore's judgement in Martin v. Mackonochie p. 119.

covered the rubric as to the vestments of the Clergy as entirely as any other.

'[k] Every clergyman is bound by the plainest obligations of duty to obey the directions of the rubric. For conforming to them, in every particular, he needs no other authority than that of the rubric itself. We ought not to be deterred from a scrupulous observance of the rites and customs prescribed by our Church, by a dread of being thought too careful about the externals of religion. If we are not to go *beyond* her ritual, at least we ought not to fall *short* of it; nor to make her public services less frequent nor more naked and inexpressive than she intended them to be.' 'An honest endeavour to carry out the Church's intentions, in every part of public worship, ought not to be stigmatised as Popish or superstitious. If it be singular, it is such a singularity as should be cured, not by one person's desisting from it, but by *all* taking it up. When I have been asked whether I approved of certain changes in the mode of celebrating divine service, which were spoken of as novelties, but which were in fact nothing more than a return to the anciently established order of the Church, my answer has been, far from questioning the *right* of the clergy to observe the rubric in every particular, I know it to be their *duty;* and the only doubt is, how far are we justified in not *enforcing* such observance in every instance.'

In this conviction, I believe that 'ritualism' began. The Clergy knew nothing of Advertisements in the time of Queen Elizabeth, which (in the opinion of lawyers) should annul beforehand a direction, framed by the Bishops in the reign of Charles II. and put into our hands when we were ordained, and which had legal authority also.

The question now is not about *making* changes, but about *unmaking* them, where the congregations have

[k] Charge in 1842, pp. 30, 31.

been accustomed to them and love them. As far too as I have heard, the answer of those Bishops who have wished to put down the ritual of the Ornaments' Rubric, has been, not, 'Obey *me*,' but, 'Obey the *law*.' Their Clergy were obeying, as they believed, the law of the Church, and were bidden to obey the *un*law of a biassed Court.

Mr. Enraght gave up more or less of his ritual, at the wish of his Bishop, until he was required to obey, not the Bishop, but this *un*law. The Archbishop, while he presses the duty of the Clergy to himself, does not seem to me to take into account the relation of the Clergy to their people, who (under the supervision of the Bishop) are immediately entrusted to *them*. I should fear that a change would often be a great shock to faith.

Their people would say, 'You have taught us that our ritual, which the Church of England acknowledges, expresses great truths of faith. It does express those truths to *us*. Why are we to be deprived of it? You shewed us the direction in the Prayer-book, which justified you in giving it to us. Its words are very plain. Are we to believe that the Church said that you *were* to do it, meaning, as the lawyers say, that you were *not* to do it? Are we then not to trust our Prayer-books? Whom then or what are we to trust?'

They would say this in much stronger language, and I certainly should not know what to answer, if I acknowledged the non-natural interpretation of the last judgement.

The thought of the distress from the sudden cessation of a lesser ritual to the poor who had been

accustomed to it, called out the sympathy of Bishop Phillpotts.

'[1] For this reason few occurrences have affected me more than the lamentations of the poor worshippers, in one of the districts of the metropolis, when they saw, or thought they saw, at the dictation of a riotous and lawless mob of strangers, the approaching surrender of the ritual which they loved, and which was their weekly, to many among them daily, solace of that poverty to which the providence of God had consigned them.'

The Archbishop adverts with satisfaction to the result which the Bishop of Oxford obtained (at great expense, I suppose, to himself) that the law recognised the right of the Bishops to protect their Clergy against vexatious prosecutions. What else is it than vexatious, when people, who have no interest, except that of an inveterately hostile party, would disturb the worship of an united congregation and rend their minister from them, because he gave them a ritual, which the law of the Church sanctioned?

If the Bishops would say openly to the Prosecutors, 'We are the fathers of our people; it would be our duty to protect *you* against vexatious innovations, but it is also our duty to protect our Clergy against vexatious prosecutions, and suits which would rend from a congregation a Pastor, whom they love,'—I believe that the menacing storm would calm down. Now, every fresh prosecution increases the thirst for another, and another, and another. "[m]Lord, let them not say, There, there, so would we

[1] Printed in Appendix A to Report of Ritual Commissioners.

[m] Ps. xxxv. 25.

have it; neither let them say, We have devoured him."

The prosecutions do but sever those who ought to be one. The prosecutors have not learned, that what binds the ritualists to what *they* think externals, is the love of Jesus crucified for us and now living at the Right Hand of God to make intercession for us. The ritualists love to do and represent on earth as far as man can, what He, the great High Priest, is evermore doing for us in heaven, pleading on earth that same Sacrifice, of which He has left us the memorial. The prosecutors cannot understand us, as long as they prosecute. For myself, I ever loved the Evangelicals, because, while they thought that we 'put the Sacraments in the place of Christ,' I saw in the old Evangelicals of 50 years ago the love of Jesus. Very many of them have learned much as to the Sacrament of Baptism, which they did not know then. They have learned at least so far, that we do not put the Sacraments in *His* place, Who gave them to us, 'that He might dwell in us and we in Him, that He might be one with us and we with Him.'

I know not why his Grace should think that the co-operation of such men as was Robert Hall, in their labours to resist prevailing infidelity, would be less welcome now than heretofore. Whoever, by the help of God, resists infidelity or any other evil, is doing the work of the Church, even though he owns not its claims. I fear that his Grace's sympathy is more with those without, than with those within, who, whatever have been their labours for the conversion of souls, however many they may have won

to Jesus, however many will, on the eternal shore, bless them and love them, for having brought them to Jesus, to be cleansed by His Blood, and to love Him Who cleansed them, still were—Ritualists.

The parting words of one, whom, now that he has been long lost to us and his merits have been acknowledged in the Communion in which he sought refuge, in the high dignity of the Cardinalate, men can afford to praise, ring heavily in the ears of the few still left who heard them.

'[n] O my mother, whence is this unto thee, that thou hast good things poured upon thee and canst not keep them, and bearest children, yet darest not own them? Why hast thou not the skill to use their services, nor the heart to rejoice in their love? how is it that whatever is generous in purpose, and tender or deep in devotion, thy flower and thy promise, falls from thy bosom, and finds no home within thine arms? Who hath put this note upon thee, to have "[o] a miscarrying womb, and dry breasts," to be strange to thine own flesh, and thine eye cruel towards thy little ones? Thine own offspring, the fruit of thy womb, who love thee, and would toil for thee, thou dost gaze upon with fear, as though a portent, or thou dost loath as an offence:—at best thou dost but endure, as if they had no claim but on thy patience, self-possession and vigilance, to be rid of them as easily as thou mayest. Thou makest them "[p] stand all the day idle," as the very condition of thy bearing with them; or thou biddest them begone, where they will be more welcome; or thou sellest them for nought to the stranger that passes by. And what wilt thou do in the end thereof?'

Will those in authority over us never learn by

[n] Newman's 'Sermons bearing on Subjects of the day.' 'The parting of friends,' pp. 401, 402.

[o] Hos. ix. 14.

[p] S. Matt. xx. 6.

experience? Will nothing teach tolerance to our persecutors? Will they never learn that saying, "[q] Bear ye one another's burdens, and so fulfil the law of Christ?" Will they always be so intent on their own narrow object, to get rid out of their hearing a simple ritual, as to lose sight of all besides?

My conviction is, that the only hope under God is in peace. Things are working mightily, somewhither. Everything is on a scale unknown heretofore. Unbelief everywhere in every part of the world is asserting itself. It has penetrated even Russia, once encrusted and stiff in its minute traditional system. In France and Italy it is rampant. Protestantism on the continent has long been under its sway. Things seem to be preparing for that aweful time, of which our Lord speaks, "[r] When the Son of Man cometh, shall He find *the* Faith on the earth?" Unless the end had been looked for so often before, and it was the natural cry of the heart, 'Lord, how long shall this strife last? How long shall souls destroy themselves, whom Thou didst redeem with Thy Precious Blood?' things look like a winding up. God is working mightily by His Holy Spirit, in the conversion of souls. Fervour, love of God and of souls, are every where increasing more than heretofore. The devil also, from the deeds to which he stirs people up, seems as if he "[s] had great wrath because he knoweth that he hath but" (would it might be) "a short time." Every where the good seed seems to yield-good fruit more than heretofore; every where the enemy sows tares. Our Lord seems

[q] Gal. vi. 2. [r] S. Luke xviii. 8.

[s] Rev. xii. 12.

to say in His Providence, "[t] Let both grow together until the harvest, lest while thou gather up the tares, thou root up the wheat with them." When the ship which bore S. Paul "[u] could not bear up into the wind, and they let her drive, and neither sun nor stars in many days appeared, and no small tempest lay on" them, they went safely. "When they made toward shore, falling into a place where two seas met, they ran the ship aground and it was broken by the violence of the waves."

'[x] Thou Framer of the light and dark,
Steer through the tempest Thine own ark:
Amid the howling wintry sea,
We are in port if we have Thee.'

Your very affectionate friend,

E. B. PUSEY.

Epiphany, 1881.

[t] S. Matt. xviii. 30.
[u] Acts xxvii. 33. [x] Christian Year, Evening.